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1906

THE STATE OF OHIO.

General and Local Acts

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

SEVENTY-SEVENTH GENERAL ASSEMBLY

At Its Regular Session

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 1, 1906.

VOLUME XCVIII.

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GENERAL LAWS.

[House Bill No. 66.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for general assembly.

SECTION 1. That there be, and is hereby, appropriated from any money in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars ($50,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly; four thousand dollars ($4,000.00) for contingent expenses of the house; three thousand dollars ($3,000.00) for contingent expenses of the senate; one thousand dollars ($1,000.00) for expenses of legislative committees.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 24, 1906.
Approved January 24, 1906.

JOHN M. PATTISON,
Governor.
1G

[Senate Bill No. 17.]

AN ACT

To amend section 6835 of the Revised Statutes of Ohio, defining the crime of burglary, and fixing the penalty therefor.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against property: Burglary; penalty for.

SECTION 1. That section 6835 of the Revised Statutes of Ohio, be amended to read as follows:

Sec. 6835. Whoever in the night season maliciously and forcibly breaks and enters any inhabited dwelling house with intent to commit a felony, or with intent to steal property of any value, shall be imprisoned in the penitentiary during life; but upon recommendation of mercy by the jury shall be imprisoned not more than thirty years nor less than ten years; and whoever in the night season maliciously and forcibly breaks and enters, or attempts to break and enter, any uninhabited dwelling house, or any kitchen, smoke-

house, shop, office, storehouse, warehouse, malthouse, still-house, mill, pottery, factory, water craft, schoolhouse, church, or meeting-house, barn or stable, railroad car, car factory, station house, hall or any other building, or attempts to break and enter any inhabited dwelling house with intent to steal property of any value, or with intent to commit a felony, shall be imprisoned in the penitentiary not more than fifteen years, nor less than one year; and if any person shall have, or keep in his possession any tools, implements, or any other things used by burglars for house breaking, forcing doors, windows, locks, or buildings, or other places where goods, wares, merchandise, or money is kept with the intention of using such tools or implements burglariously, shall be imprisoned in the penitentiary not more than five years, nor less than one year.

Having possession of burglar's tools; penalty.

SECTION 2. That said section 6835 be, and the same is hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 2, 1906.
Approved February 3, 1906.

JOHN M. PATTISON,
Governor.

2G

[House Bill No. 38.]

AN ACT

To amend section 3374 of the Revised Statutes of Ohio, pertaining to railroad passenger rates.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies:

SECTION 1. That section 3374 of the Revised Statutes of Ohio, be amended so as to read as follows:

Rate of passenger fare prescribed.

Sec. 3374. A company operating a railroad in whole or in part in this state, may demand and receive for the transportation of passengers on its road not exceeding two cents per mile, for a distance of more than five miles, but the fare shall always be made that multiple of five nearest reached by multiplying the rate by the distance.

Repeals, etc.

SECTION 2. That said original section 3374 be and the same is hereby repealed, and this act shall take effect on and after thirty days from the date of its passage.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 8, 1906.
Approved February 8, 1906.

JOHN M. PATTISON,
Governor.

3G

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[House Bill No. 25.]

AN ACT

To grant to municipalities the right to require street railway companies to sprinkle their right of way within such municipality.

Be it enacted by the General Assembly of the State of Ohio:

Council may require street railway company to sprinkle its right of way.

SECTION 1. The council of any municipality may by resolution require any interurban or street railway company to sprinkle with water their right of way on any street, alley or public highway, or any portion thereof lying within the limits of such municipality.

How enforced.

SECTION 2. Upon failure of any street railway company, after proper notice, to comply with the provisions of such resolution, the municipality may do such sprinkling or contract for the same through its proper officials and in accordance with the laws relating to contracts, and the cost of the same shall be certified to the county auditor for collection, to be paid by such interurban or street railway companies as other taxes are paid.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 8, 1906.
Approved February 9, 1906.

JOHN M. PATTISON,
Governor.
4G

[House Bill No. 67.]

AN ACT

To amend section 1 of an act entitled, "An act requiring persons, associations and corporations owning or operating street cars to provide for the well being of employes," passed April 20, 1893.

Be it enacted by the General Assembly of the State of Ohio:

Electric railroad companies:

SECTION 1. That section 1 of an act entitled, "An act requiring persons, associations and corporations owning or operating street cars to provide for the well being of employes," passed April 20, 1893, be amended to read as follows:

Forward vestibule of car must be screened and heated.

Sec. 1. That every electric street car other than trail cars, which are attached to motor cars, shall be provided, during the months of November, December, January, February and March of each year at the forward end with a screen constructed of glass or other material, which shall fully and completely protect the driver or motorman or grip-

man or other person stationed on such forward end, and guiding and directing the motor power by which they are propelled, from wind and storm, and the space provided on such car for such person shall during the said months be provided with a sufficient heating device to maintain a temperature at all times not below 60 degrees Fahrenheit.

Repeals.

SECTION 2. That said original section 1 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 8, 1906.
Approved February 9, 1906.

JOHN M. PATTISON,
Governor.
5G

[House Bill No. 135.]

AN ACT

To amend section 1069 of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

County auditor:

SECTION 1. That section 1069 of the Revised Statutes of Ohio, be amended so as to read as follows:

Compensation of auditor.

Sec. 1069. The county auditor on settlement semiannually with the county treasurer and the auditor of state, shall be allowed as compensation for his services the following percentages on all moneys collected by the county treasurer on the grand duplicate of the county, and the same shall be apportioned ratably by the county auditor and deducted from the shares or portions of revenue payable to the state as well as the county, townships, corporations, and school districts, to-wit: On the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half per cent.; on the next ten thousand dollars, one per cent.; on the next ten thousand dollars, seven-tenths of one per cent.; on the next two hundred thousand dollars, four-tenths of one per cent.; and on all further sums two-tenths of one per cent.; and on all moneys collected on any special duplicate, five-tenths of one per cent.; said compensation to be paid as nearly as possible in equal monthly payments or that monthly estimates in lieu of said salary shall be allowed to said auditor and paid to him by the county treasurer. Provided, however, that in any county whose auditor receives a fixed compensation, payable out of the fee fund of said county, the compensation herein provided for shall be received and paid in by him to the credit of said fee fund of said county, as earnings of the county auditor's office.

SECTION 2. That section 1069 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 13, 1906.
Approved February 13, 1906.

JOHN M. PATTISON,
Governor.
6G

[House Bill No. 2.]

AN ACT

Making appropriations for the Ohio university and the normal school connected therewith, the Miami university and the normal school connected therewith, and for the normal and industrial department of Wilberforce university.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university, and the normal and industrial department of Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1906, and the first quarter of the fiscal year ending February 15, 1907, the following sums, to-wit: Appropriations for Ohio university, Miami university and Wilberforce university.

For the Ohio university the sum of $41,750.00, and for the normal school connected therewith the sum of $41,750.00.

For the Miami university the sum of $31,250.00, and for the normal school connected therewith the sum of $31,250.00.

For the normal and industrial department of the Wilberforce university, the sum of $25,000.00.

And for the last three-fourths of the fiscal year ending November 15, 1907, and the first quarter of the fiscal year ending February 15, 1908, the following sums, to-wit:

For the Ohio university the sum of $43,500.00, and for the normal school connected therewith the sum of $43,500.00.

For the Miami university the sum of $33,250.00, and for the normal school connected therewith the sum of $33,250.00.

For the normal and industrial department of the Wilberforce university, the sum of $26,000.00, or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the said universities, in accordance with the provisions of section 3951*a*, Revised Statutes, passed February

26, 1896 (O. L., Vol. 92, p. 41); an act to amend section 12 of an act passed March 19, 1887 (O. L., Vol. 84, p. 127), entitled "An act to aid in the establishment and maintenance of a combined normal and industrial department at Wilberforce university, Greene county, Ohio," passed April 16, 1896 (O. L., Vol. 92, p. 156); and an act to establish normal schools at the Ohio university, at Athens, and at the Miami university, at Oxford, passed March 12, 1902 (O. L., Vol. 95, pp. 45 and 46).

SECTION 2. This act shall take effect and be in force on its passage.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 8, 1906.

This bill was presented to the governor February 8 1906, and was not signed nor returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, February 21, 1906.

7G

[Senate Bill No. 6.]

AN ACT

To fix the compensation of members of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Organization of general assembly:

SECTION 1. That section 40 of the Revised Statutes of Ohio as amended April 25, 1904 (97 v. 316), be so amended as to read as follows:

Salary and mileage of members of general assembly.

Sec. 40. Each member of the general assembly shall receive a salary of six hundred dollars a year, to be paid in monthly installments of not exceeding one hundred and fifty dollars; provided that there shall be paid at the close of each session the amount due for that year, and also twelve cents per mile each way for traveling from and to his place of residence, by the most direct route of public travel to and from the seat of government; but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of five dollars for each day's absence.

SECTION 2. That section 40 of the Revised Statutes of Ohio as amended April 25, 1904 (97 v. 316), is hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 12, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.

8G

[Senate Bill No. 22.]

AN ACT

To amend section 3958 of the Revised Statutes of Ohio so as to abolish the right of the board of review to fix the school levy in city school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3958 of the Revised Statutes of Ohio be amended so as to read as follows: **School funds:**

Sec. 3958. Each board of education shall, annually, at a regular or special meeting held between the third Monday in April and the first Monday in June, fix the rate of taxation necessary to be levied for all school purposes, after the state funds are exhausted; said levy shall be divided by the board of education into four funds, namely, first, tuition fund; second, building fund; third, contingent fund; fourth, bonds, interest and sinking fund, and a separate levy shall be made for each fund. **Board of education to fix rate of taxation necessary to be levied after state funds are exhausted.** **Levy to be divided into four funds.**

SECTION 2. That said original section 3958 and all other acts inconsistent herewith be and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 13, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.

9G

[House Bill No. 427.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby, appropriated, from any money in the state treasury to the credit of the **Appropriations for general assembly.**

general revenue fund, and not otherwise appropriated, the sum of eighty thousand dollars ($80,000.00) for salaries and mileage of members, per diem of clerks, sergeants-at-arms and other officers and employes of the general assembly; five thousand dollars ($5,000.00) for contingent expenses of the house; three thousand dollars ($3,000.00) for contingent expenses of the senate; three thousand dollars ($3,000.00) for expenses of legislative committees.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 20, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.
10G

[House Bill No. 32.]

AN ACT.

To supplement section 3773 of the Revised Statutes of Ohio, and to enable religious and benevolent societies and associations to convey burial grounds to cemetery association or associations.

Be it enacted by the General Assembly of the State of Ohio:

Religious and other societies:

SECTION 1. That section three thousand, seven hundred and seventy-three (3773) of the Revised Statutes of Ohio be supplemented as follows:

How religious or benevolent society may transfer cemetery lands.

Sec. 3773*a*. When any religious or benevolent society or association owning real estate used or occupied as a burial place for the dead, the title to which is vested in such society or association, or the trustees thereof, desires to transfer such real estate to any cemetery association incorporated under any law of this state; the trustees or other officers entrusted with the management of the affairs of such society or association may file in the court of common pleas of the county in which such real estate is situated, a petition stating how and by whom the title thereto is held, that such society or association desires to make such transfer, and asking for an order therefor. Notice of the filing of such petition shall be given by publication in some newspaper printed and of general circulation in the county where it is filed for four consecutive weeks, setting forth the object and prayer thereof, and that any persons claiming an interest in the subject matter may appear and file an answer therein within six weeks from the first publication of such notice. At the expiration of such six weeks such case shall stand for hearing, and if the court shall be satisfied that such transfer is desired by the members of such society or association, the court may authorize the trustees or other officers thereof to make a good and sufficient deed therefor

to such cemetery association. And such cemetery association shall assume all legal debts against said real estate so transferred.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 16, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.
11G

[House Bill No. 122.]

AN ACT

To direct the state board of health to examine and report upon public water purification works and sewage purification works in the state of Ohio, and make an appropriation therefor.

Be it enacted by the General Assembly of the State of Ohio:

State board of health directed to investigate construction, efficiency, etc., of water and sewage purification works in use in municipalities and public institutions in state; report thereabout.

SECTION 1. That the state board of health be and it is hereby directed to investigate the construction, the methods of operation, and the efficiency of all water purification works and sewage purification works in use by cities, villages, and public institutions in the state of Ohio and to report its findings and conclusions to the general assembly not later than March 1, 1908.

Appropriation.

SECTION 2. Said board in making this investigation may employ necessary assistance and for the purpose of carrying out the provisions of this act the sum of seven thousand five hundred ($7,500) dollars is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay the expense of such investigation during the year ending March 1, 1907, and a like amount is hereby appropriated for the expense of such investigation during the year ending March 1, 1908.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 23, 1906.

JOHN M. PATTISON,
Governor.
12G

[House Bill No. 111.]

AN ACT

To provide for the enforcement of local option laws prohibiting the sale of intoxicating liquors as a beverage.

Be it enacted by the General Assembly of the State of Ohio:

Search warrant for search of premises supposed to contain intoxicating liquors unlawfully kept in local option district, how obtained.

SECTION 1. If any person makes a sworn complaint or affidavit before any mayor, justice of the peace, judge of the court of common pleas, probate court or any municipal or police court, that he has reason to believe and does believe that intoxicating liquors are sold, furnished or given away as a beverage or kept for the purpose of being sold, furnished or given away as a beverage in violation of any local option law in such county, such magistrate or judge shall issue his warrant directed to any officer whom the complainant may designate having power to serve criminal process commanding him to search the premises described and designated in such complaint and warrant and if such liquors are there found, to seize the same with the vessels in which they are contained and all implements and furniture used or kept for such illegal selling, furnishing, or giving away of intoxicating liquors and them safely keep and make immediate return on said warrant. Such liquors, furniture and implements used for such sale shall be held subject to the order of the court or magistrate to be used as evidence in the prosecution of any case for the violation of any local option law or any ordinance prohibiting the sale of intoxicating liquor as a beverage throughout the district, municipality, township or county where seized.

Seizure of liquors, implements and furniture; disposition of same.

After seizure, officer serving warrant shall file affidavit charging violation of local option law.

SECTION 2. When such intoxicating liquor or implements, vessels, or furniture used for the sale, furnishing or giving away of intoxicating liquors as a beverage are seized as hereinbefore provided, the officer serving the warrant shall forthwith file an affidavit charging the violation of the local option law which the evidence in the case justifies. If such officer refuses or neglects to file the affidavit, then the person filing the affidavit for a search warrant or any other person may file such affidavit, but nothing herein contained shall prevent any person or officer filing such affidavit before the search warrant is issued or served, and all intoxicating liquors, vessels, furniture and implements seized may be used as evidence at the trial or hearing based upon such affidavit or complaint charging the violation of any local option law prohibiting the sale of intoxicating liquor as a beverage.

Affidavit for issuance of search warrant; what to contain.

SECTION 3. No warrant for search shall be issued until there has been filed with the magistrate an affidavit particularly describing the house or place to be searched, the things to be searched for, and alleging substantially the offense in relation thereto and that affiant believes and has good cause to believe that such liquor is there concealed.

Form of search warrant.

The warrant for search shall be directed to the proper officer

and shall show by a copy of the affidavit inserted therein or annexed and referred to, or recite, all of the material facts alleged in the affidavit and particularly describe the thing to be searched for and the place to be searched. A warrant for search substantially in the following form shall be sufficient:

THE STATE OF OHIO, } ss.
.....COUNTY. }

To ..... Greeting:

Whereas there has been filed with the undersigned an affidavit of which the following is a copy. (Here copy affidavit):

These are therefore to command you in the name of the state of Ohio together with the necessary and proper assistance to enter into (here describe the house or place in the affidavit) of the said ..... situated in the ..... of ..... in the county aforesaid and there diligently search for the said intoxicating liquors and implements, to-wit: (here describe the articles as in the affidavit) and that you bring the same or any part thereof found in such search forthwith before me to be disposed of and dealt with according to law.

Given under my hand this ..... day of .....
A. D. .....

.....

Fluids destroyed for purpose of preventing seizure, held to be prima facie intoxicating liquor unlawfully kept.

SECTION 4. If fluids be poured out or otherwise destroyed by tenant, assistant or other person when the premises are searched or to be searched, manifestly for the purpose of preventing their seizure by officers, authorized to make such search and seizure, said fluids shall be held to be prima facie intoxicating liquor and intended for unlawful sale.

Removal of intoxicating liquors from premises after an election against the sale.

SECTION 5. Any retail liquor dealer, personally or by agent, trafficking in intoxicating liquors in any county, township, municipality or residence district within which an election has been held under any local option law, shall remove or cause to be removed all intoxicating liquor from such place, its appurtenances or dependencies within thirty days from the date of such election, if such election is against the sale of intoxicating liquor. Any person violating any of the provisions of this section shall be fined for the first offense not less than $50 and not more than $200, and for each subsequent offense shall be fined not less than $200 nor more than $500 and the person convicted for such subsequent offense shall give bond in the sum of $1,000.00, payable to the state of Ohio for the use of the county where the action was brought, with sureties to the acceptance of the court that he will not sell, furnish or give away any intoxicating liquor as a beverage in violation of any local option law prohibiting the sale of intoxicating liquor as a beverage.

Penalty.

Statement of officer after making seizure.

SECTION 6. When liquors and vessels are seized as provided in the preceding sections, the officer who made such seizure shall in his return upon the warrant, make a statement setting forth their seizure by him and their place of detention and they shall be held by said officer subject to order of the court. Upon final judgment of the court on the affidavit or complaint provided for in section two, such intoxicating liquors shall be returned to their lawful owner or be otherwise disposed of according to law. When any liquors shall have been seized by virtue of any such warrant, the same shall not be discharged or returned to any person claiming the same by reason of any alleged insufficiency of the description in the complaint or warrant of the liquor or place, but the claimant shall be entitled to a hearing when the case is tried upon the affidavit provided for in section two or at the hearing provided for in section seven of this act.

Disposition of liquors after final judgment.

Procedure in case no one found in possession of premises searched.

SECTION 7. If no one is found in possession of the premises where such liquors may be found, the officer taking the same shall post in a conspicuous place on said building or premises a copy of his warrant and take possession of such liquors and vessels containing the same and hold them subject to the order of the court or magistrate issuing the warrant and make return of his doings thereon. Whereupon it shall be the duty of the magistrate to fix a time for hearing and determining the purpose for which such liquors are kept and issue notice thereof to the officer who shall post a copy thereof on the building or premises where the liquors were found. If at the time fixed for said hearing no persons appear, nor within thirty days thereafter to claim such liquors and implements for their sale or distribution the magistrate or court shall order the same destroyed.

When private residence may be searched.

SECTION 8. No warrant shall be issued to search a private residence occupied as such unless it or some part of it is used as a store or shop, hotel or boarding house, or unless such residence is a place of public resort.

Person making affidavit for seach warrant may accompany officer.

SECTION 9. The person making affidavit for the warrant to search any place where intoxicating liquor is disposed of contrary to law may, personally or by agent, accompany the officer who serves the warrant and enter the place with such officer and give information and assistance to such officer in searching such place for such intoxicating liquors as hereinbefore described.

Writ of replevin shall not lie against officer making seizure.

SECTION 10. Liquors seized as hereinbefore provided, and the vessels containing them, shall not be taken from the custody of the officer by a writ of replevin or other process while the proceedings herein provided are pending; and final judgment of conviction in such proceedings is in all cases a bar to all suits for the recovery of any liquors seized or the value of the same, or for damages alleged to arise by reason of the seizing and detention thereof.

When officer shall search and seize without search warrant.

SECTION 11. A marshal, deputy marshal, sheriff, constable or other officer having power to serve criminal process if he has personal information that intoxicating liquors are

kept with the intention to sell, furnish or give the same away, where the same is prohibited by virtue of a local option law, for beverage purposes, or are sold, furnished or given away in any place of any kind for selling refreshments, contrary to law as aforesaid in a public place except a dwelling house, when not a place of public resort, or drug store, shall search such suspected place without a warrant and without any affidavit being filed and if such officer find upon the premises intoxicating liquors kept there for the above purposes he shall seize the same and any person or persons in charge of such place or aiding in any way in carrying on the business conducted in such place; and such officer shall take such persons with the liquor so seized forthwith, or as soon as convenient, before an officer who has jurisdiction to try cases for violation of the local option laws of the state and thereupon such officer shall make a written complaint under oath and subscribed by him to such court or magistrate that intoxicating liquors are sold, furnished or given away as a beverage or that the place was kept for the furnishing, sale or giving away of intoxicating liquor as a beverage.

Certain acts are prima facie evidence of violation of local option law.

SECTION 12. The payment of the United States special tax as a retail dealer in intoxicating liquors except by regular druggists or notice or sign of any kind [or] on or about any place indicating that intoxicating liquors are there sold, kept for sale or given away, shall be held to be prima facie evidence that the person or persons paying said tax and the party or parties displaying such notice or sign, are violating the law prohibiting the sale of intoxicating liquor as a beverage; and the keeping of intoxicating liquors in any room or building or any other place except in a regular drug store or in a bona fide private residence, shall be prima facie evidence that such liquors are kept for unlawful sale, furnishing or giving away, provided such place is situated in territory in which the sale, furnishing or giving away of intoxicating liquor as a beverage, is prohibited.

Unlawful for any person to ship, receive, transport, carry or handle intoxicating liquor under false or fictitious names; penalty.

SECTION 13. It shall be unlawful for any railroad or any common carrier or agent thereof or any draymen or other person or persons, corporation or firm to ship, receive, transport, carry or handle intoxicating liquor or liquors under false or fictitious names or titles within the state; and the carriage, transportation, possession, removal, delivery or acceptance with knowledge thereof, of any such liquors under false or fictitious names or titles, shall work the forfeiture of such liquor or liquors. The books and way bills used in handling such liquors may be examined by any public officer at any time to trace such liquor to shipper or receiver. Any one violating any of the provisions of this section shall upon conviction of the same be fined not less than fifty dollars and not more than two hundred dollars for the first offense, and for any subsequent offense not less than two hundred dollars and not more than five hundred dollars

Penalty against druggist or pharmacist for selling intoxicating liquors contrary to local option law.

SECTION 14. It shall be unlawful for any druggist or pharmacist who has been convicted of selling intoxicating liquors as a beverage contrary to any local option law, thereafter to sell intoxicating liquors for any purpose personally or by agent, for two years in the local option territory in which he has violated the law or any other place in this state where the sale of intoxicating liquor as a beverage is prohibited, and upon a second conviction for violating such local option law any such druggist or pharmacist shall have his certificate to practice pharmacy revoked and the judge or officer convicting such druggist shall so order and send a copy of such order to the secretary of the state board of pharmacy upon receipt of which, such certificate shall forthwith be revoked by such board. A certified transcript from the docket of the mayor or other officer before whom such druggist, pharmacist or physician was tried and convicted, shall be sufficient evidence of such conviction, and if such druggist or physician sells intoxicating liquor for any purpose within two years from the date of said conviction, he shall be fined for the first offense not less than two hundred and fifty dollars and not more than five hundred dollars, and for any subsequent offense not less than five hundred and not more than one thousand dollars.

Druggists' record of sales of intoxicating liquors in local option district; how kept.

SECTION 15. In every county, township, municipal corporation or district in which the sale of intoxicating liquor as a beverage is prohibited, a book shall be kept by every retail druggist and pharmacist in which shall be entered at the time of every sale of intoxicating liquor, the date thereof, the name of the purchaser who shall also sign his name in said book as part of said entry, the kind, quantity and price of such liquor, the purpose for which it was sold and the residence by street and number, if there be such of said purchaser. When the sale is for medicinal purposes the book shall also contain the name of the physician issuing the prescription and the prescription shall be cancelled by writing on it the word cancelled and the date on which it was presented and filled. Such book shall be in form substantially as follows:

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.	Signature of Purchaser.

Record open to inspection.

Such prescription shall be kept on file and the book and prescription before provided for shall be open to the inspection of any mayor, county, police or city prosecutor, justice of the peace, judge of court of common pleas, probate court, or any municipal or police court or any sheriff, constable, marshal, or other police officer or by any person holding an order from such officer to inspect any such records, books and prescriptions. Any person who shall fail to keep such record or shall fail or refuse to make any entry therein required by law or shall destroy, or alter or change any way any such record or any entry therein or any prescription or shall fail to cancel any such prescription, or shall sell intoxicating liquors for medicinal purposes except

Penalty for failure to keep record.

on written prescription shall be fined not less than fifty dollars nor more than five hundred dollars.

Form of physicians' prescription.

SECTION 16. It shall be unlawful for any doctor or physician to issue a prescription for intoxicating liquors, except in writing, or knowing the same to be for use as a beverage. Every prescription for intoxicating liquor shall contain the name and quantity of liquor prescribed, the name of the person for whom prescribed, the date on which the prescription is written and direction for the use of the liquor so prescribed. And it shall be unlawful for any practicing physician who has been convicted of issuing verbal prescriptions for intoxicating liquors, or issuing prescriptions for intoxicating liquors knowing the same to be for use as a beverage, or issuing prescriptions that in form do not comply with this act, thereafter to issue any prescription for intoxicating liquor for any purpose for a period of two years from the date of such conviction. A certified transcript of the docket of the mayor or other officer before whom such physician or doctor was tried and convicted shall be sufficient evidence of such conviction. Any person or persons violating any of the provisions of this section shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars and for any subsequent offense not less than five hundred [and not] nor more than one thousand dollars.

Penalties.

Within what time hearing must take place.

SECTION 17. When any prosecution is commenced before any court or magistrate for a violation of any law of this state, prohibiting the sale of intoxicating liquors as a beverage and the liquors seized under this act are to be used as evidence at such trial, the hearing must take place in not more than thirty days. If at the time appointed for trial the returns have not been properly made or for other sufficient cause, the trial may be postponed to a further date, said hearing shall be continued not more than fifteen days beyond said thirty days.

Common pleas and probate court shall have final jurisdiction; jury trial and indictment.

SECTION 18. Any common pleas or probate judge with whom an affidavit is filed charging the violation of any of the local option laws of the state prohibiting the sale of intoxicating liquors as a beverage, when the offense is alleged to have been committed in the county in which such judge may be sitting, shall have final jurisdiction to try such case upon such affidavit without a jury unless imprisonment is a part of the penalty and in any case under this act, it shall not be necessary that any information be filed by the prosecuting attorney or that any indictment shall be found by the grand jury.

Council may provide for destruction of intoxicating liquors, etc., illegally kept.

SECTION 19. The council of any city or village may by ordinance provide for the destruction of any intoxicating liquors found to have been kept for illegal sale or distribution, or any implements or vessels used for such illegal sale or distribution; and such council are hereby authorized to use any part of the fines collected for the violation of the local option law for hiring detectives or secret service officers

Detectives or secret service officers.

Council may appropriate money to enforce local option law.

to secure the enforcement of such law. And such council are hereby authorized to appropriate not more than one hundred dollars annually from the general revenue fund for the purpose of enforcing the local option law when there are no funds available from fines collected for the violation of such law.

Fines and forfeited bonds resulting from the violation of this act or any local option law prohibiting the sale of intoxicating liquors as a beverage shall attach and operate as a lien upon the real property on or in which such unlawful act was carried on or committed.

Petition in error.

SECTION 20. No petition in error shall be filed in any court to reverse any conviction for violation of any law prohibiting the sale of intoxicating liquors in any territory or district or to reverse any judgment affirming such conviction except after leave granted by the reviewing court and no such leave shall be granted except after good cause shown at a hearing of which counsel for the complainant in the original case shall have had actual and reasonable notice.

Petition in error.

SECTION 21. Such petition in error must be filed with such reviewing court in not more than thirty days after the judgment complained of, and the case shall be heard by the reviewing court within thirty court days from such filing, provided that nothing in this or the preceding section shall be construed to confer any right of review in such cases in addition to that which is now provided by law.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed February 23, 1906.
Approved February 23, 1906.

JOHN M. PATTISON,
Governor.
13G

[House Bill No. 92.]

AN ACT

To amend section 2679 of the Revised Statutes of Ohio, relating to law libraries.

Be it enacted by the General Assembly of the State of Ohio:

Law libraries:

SECTION 1. That section 2679 of the Revised Statutes of Ohio be amended so as to read as follows:

County commissioners shall provide room, etc., for law library.

Sec. 2679. The board of county commissioners of any county in which there may be a law library association such as is described in section 2678 of the Revised Statutes of Ohio, shall provide a suitable room or rooms, provided with sufficient and suitable bookcases in the county court house, or if there are no suitable room or rooms to be had therein,

any other suitable room or rooms at the county seat, at the expense of the county, for the use of such law library and shall heat and light the same. The books and furniture of such law library association used exclusively in such library, shall be exempted from taxation.

Property exempt from taxation.

SECTION 2. That said section of the Revised Statutes of Ohio, numbered 2679 passed April 5, 1904, and approved April 7, 1904, be and the same is hereby repealed.

Repeals.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.
14G

[House Bill No. 87.]

AN ACT

Prescribing advertisement and notice for proposals and of letting contracts for public bridges and buildings, and to amend section 798 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

Public buildings:

SECTION 1. That section 798 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Advertisement for proposals.

Sec. 798. After such plans, descriptions, bills of materials, specifications and estimates are made and approved, as required by this chapter, the county commissioners shall give public notice in two of the principal papers in any such county having the largest circulation therein; but if there is only one paper published in such county, then it shall be published in such paper of the time and place, when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of any such building, bridge or bridge substructure, or any addition to or alteration thereof, and a contract or contracts based on such sealed proposals will be made, which notice shall be published weekly for four consecutive weeks next preceding the day named for making such contract or contracts and shall state when and where such plan or plans, descriptions, bills and specifications can be seen, and which shall be open to public inspection at all reasonable hours, between the date of such notice and the making of such contract or contracts; but when the estimated cost of any public building, bridge or bridge substructure or of making any addition to or repair of the same does not exceed one thousand dollars, the same shall be let as heretofore provided, but notice of such letting need only be given for fifteen days, and said notice shall only be by posting on a bulletin board

When advertisement unnecessary.

or by writing on a blackboard in a conspicuous place in the county commissioners' or auditor's office, showing the nature of the letting and when and where proposals in writing will be received, plans or specifications, or both as hereinbefore provided shall be kept on file during said fifteen days and open to public inspection, and when the estimated cost of any public building, bridge or bridge substructure or of making any addition thereto or repair thereof does not exceed two hundred dollars, the same may be let at private contract without any publication or notice thereof.

Private contract.

Repeals.

SECTION 2. That original section 798 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.
15G

[House Bill No. 325.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for sundry purposes.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated:

ADJUTANT GENERAL'S DEPARTMENT.

Expenses of inauguration	$3,194 53

OHIO AGRICULTURAL EXPERIMENT STATION.

Special work in entomology, botany, chemistry and horticulture	1,000 00
Substations for field experiments	1,000 00

LEGISLATURE.

For raising floor, building panel, wainscoating, including brass rails, steps and one hundred and thirty (130) desks and chairs, and furniture for smoking rooms.....	4,730 43

INSPECTOR OF MINES.

Contingent expenses	190 28

STATE HIGHWAY DEPARTMENT.

Furniture	177 50

PROSECUTION AND TRANSPORTATION OF CONVICTS.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	10,000 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	4,000 00
For publishing constitutional amendments in the several newspapers of the state	36,000 00

OHIO STATE REFORMATORY.

Current expenses	6,000 00

COLUMBUS STATE HOSPITAL.

Ordinary repairs and improvements	4,500 00
Rebuilding sewer system	1,145 00

SECTION 2. This act shall take effect and be in force from and after its passage.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.

16G

[House Bill No. 232.]

AN ACT

To amend section 795 of the Revised Statutes of Ohio, relating to buildings and bridge substructures.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 795 of the Revised Statutes of Ohio relating to buildings and bridge substructures be amended to read as follows:

Public buildings:

Sec. 795. In all cases when it becomes necessary for the commissioners of any county to erect or cause to be

Commissioners to procure plans,

estimates, specifications, etc., for buildings and bridge substructures.

erected any public building, or any substructures for a bridge or bridges, or when it is necessary to make any addition or alteration of the same, whether the same is done under a general or special law passed for that purpose, such commissioners, before entering into any contract for the erection, alteration or repair thereof, or for the supply of any materials therefor, shall make or may procure some competent architect or civil engineer to make full, complete and accurate plans therefor, showing all the necessary details of the work and materials that will be required for the same, together with working plans suitable for the use of the mechanics or other builders during the constructing thereof, so drawn as to be easily understood, and also accurate bills, showing the exact amount of all the different kinds of materials to be used in the erection thereof, addition thereto, or in the alteration of the same, and they shall accompany the plan or plans. The architect or civil engineer shall also furnish complete specifications of the work to be done, showing the manner and style in which the same will be required to be done, and giving such directions for the same as will enable any competent builder to carry them out, afford to bidders all needful information to enable them to understand what will be required in the construction, addition to or alteration thereof; he shall also make a full, accurate and complete estimate of each item of expense, and the entire aggregate cost of the building, or bridge substructure as the case may be, or of any addition to or alteration thereof when completed; provided, that nothing in this section shall prevent the commissioners from receiving from bidders on iron or reinforced concrete substructures for bridges the necessary plans and specifications therefor.

Repeals.

SECTION 2. That said section 795 of the Revised Statutes of Ohio be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.

17G

[House Bill No. 43.]

AN ACT

To amend section 4562 of the Revised Statutes of Ohio, relating to the protection of bridges and highways, and the removal of timber and drift from rivers and water courses.

Be it enacted by the General Assembly of the State of Ohio:

Removal of drift:

SECTION 1. That section 4562 of the Revised Statutes of Ohio, be amended so as to read as follows:

County commissioners authorized to cause removal of drift or other obstruction for protection of roads and bridges.

Sec. 4562. The commissioners of any county shall have power and they are hereby authorized to cause to be removed, from any river, water course or creek, within their county, any drift, timber, piling or other obstruction placed in any river, water course or creek, or allowed to remain therein by any person, corporation, railway company, or electric railway company, which in any manner or to any extent obstructs the free flow of the water, or which endangers any county or township road, or free turnpike, after giving thirty days' notice to such person, corporation, railway company, or electric railway company, or their or its agents to remove the same within said time; and all expenses of such removal by the county commissioners shall be paid out of the county treasury, and the amount so paid together with fifty per centum penalty shall be placed upon the duplicate by the county auditor, against every such person, corporation, railway company, or electric railway company, failing to remove any such drift, timber, piling or other obstruction, and to be collected as other taxes.

Repeals.

SECTION 2. That said original section 4562 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.

18G

[House Bill No. 162.]

AN ACT

To amend sections 4760 and 4767 and to supplement section 4760 of the Revised Statutes of Ohio, by enacting a section to be designated as section 4760a of the Revised Statutes, relating to turnpike roads.

Be it enacted by the General Assembly of the State of Ohio:

Turnpikes:

SECTION 1. That section 4760 and section 4767 of the Revised Statutes of Ohio be amended, and that section 4760 of the Revised Statutes be supplemented by enacting section 4760a of the Revised Statutes, as follows:

Upon petition county commissioners may authorize turnpike commissioners to take measures for construction of turnpike.

Sec. 4760. When a majority of all the land owners residing in the county, whose lands will be assessed for the construction of any free turnpike as provided in this chapter, shall present a petition to the board of county commissioners at any regular or special session, stating the kind of improvement prayed for and the points between which the same is asked, and shall file a bond signed by one or more

responsible freeholders, condition for the payment of all the expenses of the preliminary survey and report, if the improvement be not finally ordered, the county commissioners may authorize the commissioners by them appointed to call to their assistance the county surveyor, with the necessary and proper assistance to proceed on a day to be named by the county commissioners to examine, view, lay out and straighten such road, or, to lay out, survey and locate such turnpike road through or upon any improved or unimproved lands, on the best route between the point of beginning and termination, as in their opinion public convenience and utility require and to obtain by grant, or take propositions for the purpose from the owners of land over which the road will pass, the right of way, and to take timber and other materials necessary to the construction and repair of the same; and determine and assess the damages sustained by any person through whose premises the road is proposed to be laid out, straightened, or improved, but the viewers shall not be required to assess damages to any person except minors, idiots or lunatics, in consequence of the appropriation of any private property or the making of the improvement, unless the owner thereof, or his agent file a written application with the viewers, giving a description on which damages are claimed by them.

Damages.

Duty of county auditor after petition filed.

Sec. 4760a. The county auditor shall thereupon give notice to the county commissioners of the filing of said petition, and thereupon the commissioners shall fix a date for the meeting of the viewers and surveyor to view, lay out and locate said road not more than thirty days from the date of said notice and shall also fix a date for the hearing of said petition which shall not be less than ten days from and after the day fixed for said view. The county auditor shall also notify the county surveyor and viewers or commissioners appointed to view and locate such turnpike road of the time and place of their meeting to make the view. He shall also prepare and deliver to said petitioner, or any one of them, a notice in writing, directed to the lot or land owners and to the corporations either public or private affected by said improvement, which notice shall state the time and place of the meeting of the viewers and surveyor and the time and place of the hearing of said petition, also the kind of improvement asked for, the place of beginning, intermediate points, if any, the place of termination and the names of all persons whose lands may be assessed for the cost and expense of said improvement, a copy of which notice shall be served upon each lot or land owner or left at his or her usual place of residence, and upon an officer or agent of each public or private corporation having its place of business in the county, at least fifteen days before the day set for said view, and the person who serves such notices, shall make return on the notice, under oath, of the time and manner of service and file the same with the auditor on or before that day; said

auditor shall, at the same time, give a like notice to each non-resident lot or land owner by publication in a newspaper, printed and of general circulation in the county, for three consecutive weeks prior to the meeting of the viewers and surveyor, which notice shall be verified by the affidavit of the printer, or other person knowing the fact, and filed with the auditor on or before that day. The viewers and surveyor or engineer shall make a report to the county commissioners on or before the day fixed for the hearing of said petition, showing the public necessity of the contemplated improvement, together with a statement of the lots and lands which will be benefited thereby, and which ought to be assessed for the costs and expenses of the said improvement. The county auditor shall receive for his services under this chapter, in addition to the fees provided for in section 1074 of the Revised Statutes, six cents per one hundred words for each notice, but in no case more than twenty-five cents for any one notice, herein provided for, and the person who serves such [said] notices shall receive two dollars for each day actually employed in said service.

His compensation.

Sec. 4767. When the report of the viewers and surveyor or engineer is filed, the county commissioners shall, on the day fixed for the hearing of said petition, unless such report shows that there is no public necessity for the contemplated improvement, proceed to hear the same, unless said hearing should for any cause be adjourned to another day, and also hear all remonstrances against the granting of the same, and if a majority in interest of the lot and land owners, whose lands will be assessed for the proposed improvement subscribed to the petition mentioned in section 4760, said petition shall be granted and they shall enter on their records an order that the improvement be made, which order shall state the kind of improvement, the width, the extent of the same, and the lands which shall be assessed for the expenses thereof; or when the county commissioners receive or require donations of money, or written agreements on the part of taxpayers subjecting their taxable property to taxation annually, to aid in the location and contruction of such roads, and a majority of the taxpayers within the boundaries of the road sign such subscription or agreement, the commissioners shall thereupon be authorized to levy the amount thereof upon all the taxable property within the boundaries of the road, according to the benefits to said property, taking into consideration any assessments that have been heretofore made; and the boundaries of the road shall not be taken to include any property that does not lie within two miles of such contemplated improvement. In determining a majority in interest of the persons whose lands will be assessed for said proposed improvement, minor heirs shall not be counted for or against the improvement, unless represented by legal guardian, and the action of such guardian shall be binding upon such minor heirs; and all heirs or owners, either adults or mi-

When petition shall be granted.

When assessment may be made.

What is a majority in interest.

nors to any undivided estate, shall only be entitled to one vote for or against such improvement, and the name of any person who has acquired title to the same by gift, or in any other manner, for the purpose of making such person a petitioner for or remonstrator against such improvement shall not be counted in favor of the same, or against the same.

When assessment may be made by jury; appeals.

Any person feeling aggrieved by the assessment made may demand of the commissioners to have the same assessed by a jury; in which case the claimant may appeal to the probate court of the county, and the same proceedings shall there be had, and like orders and judgments rendered, as are provided in chapter 4 of this title; but the guardian of any minor, idiot, or insane person may act for his ward, and his acts shall be binding upon the ward.

Repeals.

SECTION 2. That sections 4760 and 4767 be and are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed February 23, 1906.
Approved February 26, 1906.

JOHN M. PATTISON,
Governor.

19G

[Senate Bill No. 67.]

AN ACT

To amend section 7195 of the Revised Statutes of Ohio giving the attorney-general additional powers.

Be it enacted by the General Assembly of the State of Ohio:

Grand jury and its proceedings:

SECTION 1. That section 7195 of the Revised Statutes of Ohio be so amended as to read as follows:

Prosecuting attorney and attorney-general may have access to grand jury.

Sec. 7195. The prosecuting attorney, or assistant prosecuting attorney, shall be allowed at all times to appear before the grand jury, for the purpose of giving information relative to any matter cognizable by it, or advise upon any legal matter when required; and he may interrogate witnesses before the jury when it or he deems it necessary; but no other person shall be permitted to remain in the room, with the jury while the jurors are expressing their views, or giving their votes, on any matter before them; but the official stenographer of the county shall, at the request of the prosecuting attorney, take shorthand notes of the testimony and furnish a transcript of the same to the prosecuting attorney, and to no other person, but such stenographer shall withdraw from the jury room before the jurors begin to express their views, or give their votes on any matter before them. Such stenographer shall take an oath to be administered by the court after the grand jurors are sworn, imposing an obligation of secrecy upon such stenographer to not disclose any

testimony taken down or heard except to the jury, or the prosecutor, unless called upon in a court of justice to make disclosures. In any matter or case which the attorney-general is required to investigate or prosecute by the governor or general assembly, the attorney-general shall have all the rights, privileges and powers conferred by this section upon prosecuting attorneys.

SECTION 2. That original section 7195 is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 2, 1906.

JOHN M. PATTISON,
Governor.

20G

[Senate Bill No. 1.]

AN ACT

To extend the existing terms of office of the members of the general assembly and of the officers of the executive department, so as to conform to the constitutional provisions relating to biennial elections.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The members of the seventy-seventh general assembly and the officers of the executive department elected on the seventh day of November, A. D., 1905, shall hold their offices for three years. Term of members of legislature and executive officers elected Nov. 7, 1905.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 2, 1906.

JOHN M. PATTISON,
Governor.

21G

[Senate Bill No. 74.]

AN ACT

To amend sections 633-15, 633-16 and 633-17 of the Revised Statutes of Ohio, relating to appointment and duties of boards of county visitors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 633-15, 633-16 and 633-17 of the Revised Statutes of Ohio be amended to read as follows: General provisions:

Board of county visitors; appointment, qualifications, term, compensation, vacancies.

Sec. 633-15. The judge of probate court in all counties shall between the first day of March and the first day of April appoint six persons, three of whom shall be women, and not more than three of whom shall have the same political affiliations, two of whom, as indicated by the appointing judge, upon the fixed appointment, shall serve for one year, two for two years, and two for three years, beginning the first day of May, who shall constitute a board of county visitors for the inspection of all charitable and correctional institutions supported in whole or in part from the county or municipal funds. All vacancies in the board, whether occasioned by expiration of term, removal or otherwise, shall be filled in the manner that the original appointment is made and, when occurring at any time before the expiration of the term of appointment, shall be for the balance of the term only. A certificate of appointment shall be issued to all persons appointed and a copy, giving full names and addresses, shall be sent to the board of state charities at Columbus. No person shall be qualified to serve on this board who is in any manner officially connected with any charitable or correctional institution within the county supported wholly or partly at public expense. Said board of county visitors shall serve without compensation, but actual expenses incurred in the discharge of its duties and actual necessary expense incurred by any member or members to be selected by said board in visiting any other charitable or correctional institution for the purpose of information and in attendance upon any convention or meeting held within the state of Ohio in the interest of and to deliberate upon charitable or correctional methods and work to an amount not exceeding one hundred dollars ($100.00) per annum shall be allowed by the county commissioners, and the county auditor shall issue a warrant for the amount which shall be paid by the county treasurer, provided that the judge of the probate court has issued a certificate that the members of the board have satisfactorily performed their duties as provided in subsequent sections.

Duties of board of visitors.

Sec. 633-16. It shall be the duty of such board of visitors, by personal visitation or otherwise, to keep themselves fully advised of the condition and management of all charitable or corrective institutions supported in whole or in part by county or municipal taxation, or which are under county or municipal control, and especially the infirmary, county jail, municipal prisons, and children's home; and from time to time they shall recommend to the county commissioners and to other officials responsible therefor such changes and additional provisions as they may deem essential for their economical and efficient administration, and at least once in every three months all of said institutions shall be visited by said board, or a committee of its members. Failure in the performance of these duties on the part of any member of this board for one year shall be sufficient cause for his or her removal by the judge of the probate court.

Sec. 633-17. The board of county visitors, each year, shall prepare a full report of their proceedings during the year, with such recommendations as they may deem advisable, and shall file the same with the judge of the probate court and the prosecuting attorney of the county between the fifteenth day of November and the fifteenth day of December, and shall forward a copy of the same to the board of state charities at Columbus. **Report to be made by board.**

SECTION 2. That this act shall take effect upon its passage, but it shall not in any manner affect any unexpired appointments heretofore made in accordance with original section 633-15 of the Revised Statutes as amended March 22, 1900; and the first appointments under this act shall be made for such terms or parts of terms as shall thereafter cause the terms of two members of said board to expire each year on the first day of March. **Act shall not affect unexpired terms.**

SECTION 3. That said original sections 633-15, 633-16 and 633-17, of the Revised Statutes be and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 3, 1906.

JOHN M. PATTISON,
Governor.
22G

[Senate Bill No. 26.]

AN ACT

To supplement section 656 of the Revised Statutes of Ohio by a section to be numbered 656*a* and to amend section 658 and to repeal said original section 658 and any other sections inconsistent herewith, relating to the duties of the board of state charities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 656 of the Revised Statutes be supplemented as follows: **Board of state charities:**

Sec. 656*a*. The board of state charities may, at such times and places as they deem advisable, hold conferences of officers of state, county and municipal benevolent, penal and reformatory institutions, officials responsible for the administration of public funds used for the relief or maintenance of the poor, and boards of county visitors, to consider in detail questions of management, the methods to be pursued and adopted to secure the economical and efficient conduct of such institutions, the most effective plans for granting public relief to the poor, and similar subjects. All officials duly invited to such conferences shall be entitled **May hold conferences with officers of benevolent, penal and reformatory institutions, etc.**

to actual necessary expenses, payable from any funds available for their respective boards and institutions, provided they procure a certificate from the secretary of the board of state charities that they were invited to and were in actual attendance at the sessions of such conferences.

SECTION 2. That section 658 of the Revised Statutes be amended as follows:

Biennial report of board.

Sec. 658. The board of state charities shall prepare for the use of the general assembly a full and complete report of their doings during the preceding biennial period, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary, embracing all the respective proceedings and expenses during the biennial period, and showing the actual condition of all state institutions under their control, with such suggestions as they may deem necessary and pertinent. The board of state charities may supplement this biennial report by issuing bulletins containing statistics, gathered as provided in section 656, and such other information in regard to benevolent, penal and reformatory institutions in this and other states as may be deemed useful to officers in charge of such institutions in this state. The supervisor of public printing shall print for the use of the board two thousand (2,000) copies of the biennial report. The expense of printing bulletins shall be paid from appropriation for contingent expenses of the board, and the board of state charities shall enter [into] contract with any state institution having a printing department to print such bulletins for the board.

Bulletins.

Repeals.

SECTION 3. That said original section 658 and any other sections or parts of sections of the Revised Statutes of Ohio inconsistent herewith be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 3, 1906.

JOHN M. PATTISON,
Governor.

23G

[Senate Bill No. 59.]

AN ACT

To amend section 2926o of the Revised Statutes of Ohio, as amended by an act passed April 23, 1904, (97 O. L., 208) relating to the conduct of elections.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2926o of the Revised Statutes of Ohio, as amended by an act passed April 23, 1904 (97

O. L., 208), relating to the conduct of elections be amended so as to read as follows:

Opening and close of polls.

Sec. 2926*o*. On the day of the November election in every year, and of any other election, the polls shall be opened by the judges of elections appointed and organized as in this act provided, by proclamation made by the chairman, at the hour of five-thirty o'clock in the morning, standard time, and shall be closed by proclamation, at the hour of five-thirty o'clock in the afternoon.

Duties of registrars acting as judges.

The registrars acting as judges shall punctually, at the hour of opening the polls, attend and produce, at the polling places in the several precincts, the registers, affidavits of sick or absent electors and accompanying papers, and also the duplicate certified lists of electors, prepared by them as herein required. The chairman of the board shall at once designate two members of the board of judges of different political parties, each to hold and to have charge of one of the said duplicate lists; no ballot shall be deposited in the ballot-box, until the name of the elector offering it, shall first have been stated by him, and announced aloud by the judge holding the ballot, nor until it shall have been found on both such lists, and so announced by both of the judges holding such lists. Every ballot must be put in the ballot-box, by the judge who receives it from the elector; and such judge and the ballot-box must always be so placed, and the ballot be so held forth by the judge, that it shall be in full view of the elector, until actually put into the box.

Location of ballot-box.

Penalties.

For any wilful violation or evasion of this rule by any such judge, he shall at once be expelled from his office by the other three judges, and the vacancy filled in the manner provided by section 2926*e*, and immediately upon the depositing of the ballot in the box, each of the said judges shall check off the name of such elector on the duplicate list, held by him, by placing a "V" distinctly with ink in the column under the word "voted", and in the line with the elector's name; provided, that it shall be unlawful for any judges or clerks of election, or of any of the witnesses or challengers, admitted into the polling rooms at the election, at any time while the polls are open, to have in his possession, or to distribute, or to give out any ballot or ticket to any person on any pretense, nor during the counting or certifying of the votes, to have any ballot or ticket in his possession or control, except in the proper discharge of his duty, in receiving, counting or canvassing the votes as required by law; but this prohibition shall not extend to the lawful exercise by any judge or clerk of elections, or witness, or challenger aforesaid, of his individual right to vote at such election.

Challenges.

Any registered elector, when offering to vote, may nevertheless be challenged by an elector as a non-resident, or for any of the causes allowed by law, and he shall be sworn, and the same proceedings thereupon had as in other cases; in all cases of challenge, the judges holding the duplicate lists aforesaid, shall note the word "sworn"

opposite the name of the person challenged. And except as otherwise required herein, the judge of elections appointed, as herein provided, shall have the same powers and discharge all the duties conferred or required by the general laws of the state regulating elections. But except where some authority or duty is herein allotted to one of said judges, no order or action on their part shall be of any validity without the concurrence of three members of said board of judges in any precinct.

Repeals.

SECTION 2. Section 2926o of the Revised Statutes of Ohio as amended by an act passed April 23, 1904, (94 v. 208) is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 3, 1906.

JOHN M. PATTISON,
Governor.
24G

[Senate Bill No. 12.]

AN ACT

To authorize the commissioners of any county to issue bonds to refund the indebtedness of boards of road commissioners appointed by the county [commissioners] therein, incurred on account of road improvements.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners authorized to issue bonds to refund indebtedness of road commissioners.

SECTION 1. That commissioners of any county in which road commissioners appointed by said county commissioners therein have incurred indebtedness on account of road improvements under color of any legislative act, are hereby authorized, for the purpose of extending the time of payment of such indebtedness and reducing the rate of interest thereon, to issue and sell the bonds of the county in such amounts and for such length of time, and for such rate of interest not exceeding five per centum per annum, payable semiannually, as such county commissioners may determine. The money realized from the sale of such bonds shall be paid to the road commissioners, to be used only for the purpose of paying the indebtedness so incurred by them on account of such road improvements.

Tax levy.

SECTION 2. To pay the principal and interest of said bonds, the county commissioners are hereby authorized to levy a tax sufficient for that purpose annually on all of the taxable property of every kind within the limits of any elec-

tion precinct, or road district, for which such road commissioners were appointed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 3, 1906.

JOHN M. PATTISON,
Governor.
25G

[Senate Bill No. 71.]

AN ACT

To amend sections 7305 and 7306, repeal section 7306*a* and to enact [supplementary] supplemental section 7367*a* of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7305 and 7306 of the Revised Statutes of Ohio be so amended and Sec. 7367 be supplemented as follows:

Trial and proceedings thereon:

Sec. 7305. The prosecuting attorney or attorney-general may except to any decision of the court and may present a bill of exceptions thereto, which the court shall sign, and the same shall be made a part of the record.

Exceptions by prosecuting attorney or attorney-general.

Sec. 7306. Either the prosecuting attorney or attorney-general may present such bill of exceptions to the supreme court, and apply for permission to file it with the clerk thereof, for the decision of the court upon the points presented therein; but prior thereto he shall give reasonable notice to the judge who presided at the trial in which the bill was taken, of his purpose to make such application; and if the supreme court allow such bill to be filed, such judge shall appoint some competent attorney to argue the case against the prosecuting attorney or attorney-general, which attorney shall receive for his services a fee not exceeding one hundred dollars to be fixed by such court, and to be paid out of the treasury of the county in which the bill was taken.

Proceedings upon the exceptions of prosecuting attorney or attorney-general.

SECTION 2. That supplementary section 7308*a* be enacted as follows:

Sec. 7367*a*. Whenever any court superior to the trial court may render any judgment adverse to the state in any criminal case or proceeding, error may be prosecuted to reverse such judgment in the next higher court by either the prosecuting attorney or the attorney-general, or in case such conviction has been for a violation of a municipal ordinance, such proceedings in error may be brought by the solicitor of the municipality. Like proceedings shall be had in such higher court at the hearing of the petition in error

When state may prosecute error.

as in the review of other criminal cases. The clerk of the court rendering the judgment sought to be reversed, on application of the prosecuting attorney, attorney-general, or solicitor, as the case may be, shall make a transcript of the docket and journal entries in such case, and transmit the same, together with all bills of exceptions, papers and files in the case to the next higher court.

Repeals.

SECTION 3. That original sections 7305 and 7306 and section 7306*a* are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 28, 1906.
Approved March 3, 1906.

JOHN M. PATTISON,
Governor.
26G

[House Bill No. 139.]

AN ACT

To make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1906, and the first quarter of the fiscal year ending February 15, 1907.

Be it enacted by the General Assembly of the State of Ohio:

Partial appropriations for 1906 and 1907.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	2,000 00
Salary of assistant adjutant general	1,500 00
Salary of assistant quartermaster general	1,500 00
Salary of chief clerk	1,400 00
Salaries of seven clerks, at $1,200 each	8,400 00
Salary of superintendent of state arsenal	1,400 00
Salaries of two stenographers, at $720 each	1,440 00
Contingent expenses and inspections	750 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers	900 00
Salary of engineer	1,000 00
Salaries of five firemen	1,000 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians of flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of ten regular laborers	1,500 00
Extra labor	625 00
Fuel for state house	1,000 00

Care and repair heating apparatus	1,500 00	Partial appropriations for 1906 and 1907.
Electric current for light and power for state house	3,000 00	
AGRICULTURAL EXPERIMENT STATION.		
Bulletin publication	500 00	
Expenses board of control	200 00	
Substations for field experiments	800 00	
Special work in animal husbandry	500 00	
Special work in entomology, botany, chemistry and horticulture	500 00	
General repairs, labor and supplies	500 00	
STATE BOARD OF AGRICULTURE.		
Encouragement of agriculture	5,000 00	
For the suppression and prevention of diseases among live stock, as provided in the Fraser law	2,000 00	
Interest on bonds due March 1, 1906, and September 1, 1906	6,000 00	
STATE HIGHWAY DEPARTMENT.		
Salary of commissioner	2,500 00	
Traveling expenses of commissioner	500 00	
Salary of chief clerk	1,000 00	
Salary of stenographer	800 00	
Contingent expenses	200 00	
OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY.		
Expenses of society	750 00	
Field work, Fort Ancient and Serpent Mound	750 00	
ATTORNEY-GENERAL'S DEPARTMENT.		
Salary of attorney-general	1,500 00	
Fees on collections	300 00	
Salary of first assistant attorney-general	3,000 00	
Salary of second assistant attorney-general	2,500 00	
Salary of chief clerk	1,500 00	
Salaries of two stenographers, at $1,200 each	2,400 00	
Stenographic work	200 00	
Salary of messenger	600 00	
Allowance to pay costs in cases brought by state	250 00	
Contingent expenses	375 00	
AUDITOR OF STATE.		
Salary of auditor of state	3,000 00	
Salary of deputy auditor	3,000 00	
Salary of chief clerk	2,400 00	
Salary of liquor tax deputy	1,750 00	
Salary of inspector of institutions	2,000 00	
Salary of railroad and bank clerk	1,950 00	
Salary of bookkeeper	1,950 00	
Salary of land clerk	1,500 00	
Salaries of two excise clerks	2,850 00	
Salary of liquor tax clerk	1,750 00	
Salary of canal and trust fund clerk	1,400 00	
Salary of statistical clerk	1,350 00	
Salary of transcribing clerk	1,350 00	
Salary of clerk	1,200 00	
Salary of correspondence clerk	800 00	

Partial appropriations for 1906 and 1907.

Contingent expenses	750 00
STATE BOARD OF APPRAISERS AND ASSESSORS.	
Salaries of members, at $1,500 each	6,000 00
Contingent expenses	300 00
STATE BOARD OF ARBITRATION.	
For per diem and expenses of members	800 00
BOARD OF STATE CHARITIES.	
Salary of secretary	1,800 00
Salary of clerk	900 00
Salary of stenographer	600 00
Salary of janitor	240 00
Expenses of board	250 00
Expenses of secretary	150 00
Contingent expenses	350 00
BOARD OF HEALTH.	
Expenses of board	3,000 00
BOARD OF PARDONS.	
Salaries of members	3,000 00
Salary of secretary	300 00
Expenses of board	800 00
BOARD OF PUBLIC WORKS.	
Salaries of members	600 00
Traveling expenses of members	450 00
Salaries of two engineers	900 00
Salary of secretary	375 00
Salary of clerk	175 00
Contingent expenses	125 00
CANAL COMMISSION.	
Salaries of commissioners	750 00
Expenses of commission	1,500 00
COMMISSIONER OF COMMON SCHOOLS.	
Salary of commissioner	2,000 00
Salary of chief clerk	1,750 00
Salary of statistical clerk	1,500 00
Salary of examination clerk	1,200 00
Salary of correspondence clerk	720 00
Salary of stenographer	720 00
Traveling expenses of commissioner	200 00
Furniture	125 00
Contingent expenses	200 00
COMMISSIONERS OF PUBLIC PRINTING.	
For printing paper	5,000 00
COMMISSIONER OF RAILROADS AND TELEGRAPHS.	
Balances and receipts.	
From such amounts so appropriated the following salaries shall be paid:	
Salary of commissioner	3,000 00
Salary of chief clerk	2,400 00
Salary of statistical clerk	1,200 00
Salary of chief inspector	1,200 00
Salary of deputy inspector	1,200 00
Salary of stenographer	1,200 00
COMMISSIONER OF SOLDIERS' CLAIMS.	
Salary of commissioner	1,800 00

Salaries of two clerks, at $720 each	1,440 00	Partial appropriations for 1906 and 1907.
Salary of the recording clerk	300 00	
Contingent expenses	200 00	
DAIRY AND FOOD COMMISSIONER.		
Salary of commissioner	3,500 00	
Salary [salaries] of two assistant commissioners, at $1,000 each	2,000 00	
Expenses of commissioner	300 00	
Expenses of two assistant commissioners	400 00	
Salary of chief clerk	1,200 00	
Salaries of two clerks	2,100 00	
Inspection, analyses and publication	3,000 00	
Contingent expenses	300 00	
Salaries of six inspectors for the collection of the liquor tax under the Cain law, at $1,300 each	7,800 00	
Traveling expenses of liquor tax inspectors	1,250 00	
Contingent expenses for collection liquor tax	300 00	
EXAMINER OF STEAM ENGINEERS.		
Salary of chief examiner	1,800 00	
Salaries of eight district examiners at $1,200 each	9,600 00	
Salary of clerk	1,000 00	
Traveling expenses	1,500 00	
Contingent expenses	1,200 00	
EXECUTIVE DEPARTMENT.		
Salary of governor	8,000 00	
Salary of lieutenant governor	1,500 00	
Salary of secretary to the governor	800 00	
Salary of executive clerk	1,800 00	
Salary of commission clerk	1,500 00	
Salary of corresponding clerk	1,500 00	
Contingent expenses, including newspapers	600 00	
FISH AND GAME COMMISSION.		
Expenses of commission	2,000 00	
BUREAU OF LABOR STATISTICS.		
Salary of commissioner	2,000 00	
Traveling expenses of commissioner	200 00	
Salary of chief clerk	1,300 00	
Salary of stenographer	900 00	
Salaries of three clerks, at $720 each	2,160 00	
Contingent and traveling expenses	2,000 00	
Salaries of five free public employment superintendents, at $1,500 each	7,500 00	
Salaries of five clerks for free public employment offices at $720 each	3,600 00	
INSPECTOR OF MINES.		
Salary of chief inspector	2,000 00	
Salaries of seven district inspectors, at $1,200 each	8,400 00	
Traveling expenses of chief inspector	150 00	
Traveling expenses of seven district inspectors	800 00	
Salary of chief clerk	1,200 00	
Salary of stenographer	900 00	

Partial appropriations for 1906 and 1907.

Clerk hire	720 00
Contingent expenses	300 00
INSPECTOR OF WORKSHOPS AND FACTORIES.	
Salary of chief inspector	2,000 00
Traveling expenses of chief inspector	150 00
Salaries of twelve district and two bakeshop inspectors, at $1,200 each	16,800 00
Salary of high explosive inspector	2,000 00
Traveling expenses of thirteen district and two bakeshop inspectors	1,750 00
Salary of chief clerk	1,800 00
Salary of clerk	1,200 00
Salaries of two stenographers	1,680 00
Contingent expenses	300 00
JUDICIARY.	
Salaries of judges	50,000 00
PROSECUTION AND TRANSPORTATION OF CONVICTS.	
For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	25,000 00
DEPARTMENT OF STATE.	
Salary of secretary of state	2,000 00
Salary of state supervisor of elections	1,000 00
Salary of state supervisor and inspector of elections	1,000 00
Salary of chief clerk	2,400 00
Salary of stationery clerk	1,500 00
Salary of statistical clerk	1,500 00
Salary of assistant statistical clerk	1,350 00
Salary of proofreading clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk	1,350 00
Salary of assistant recording clerk	1,200 00
Salary of stenographer	1,350 00
Salary of corporation fee clerk	1,350 00
Salary of assistant corporation fee clerk	1,350 00
Salary of corporation stenographer	1,200 00
Salary of superintendent of book room	1,200 00
Salary of mailing clerk	1,200 00
Distribution of books	750 00
Contingent expenses	750 00
Stationery	3,500 00
OHIO STATE LIBRARY.	
Salary of librarian	1,500 00
Salary of secretary state board of library commissioners	500 00
Salaries of four library assistants	2,880 00
Salary of assistant librarian	1,200 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Salary of janitor	900 00
Books and papers	750 00
Contingent expenses and extra labor	450 00

For traveling library	2,000 00	Partial appropriations for 1906 and 1907.
Expenses of commission	75 00	
SUPERINTENDENT OF INSURANCE.		
Salary of superintendent	3,000 00	
Salary of deputy superintendent	2,400 00	
Salary of actuary	2,400 00	
Salary of examining clerk	1,800 00	
Salary of statistical clerk	1,800 00	
Salary of bookkeeper	1,800 00	
Salary of correspondence clerk	1,350 00	
Salary of first assistant actuary	1,300 00	
Salary of second assistant actuary	1,300 00	
Salary of assistant examining clerk	1,200 00	
Salary of assistant statistical clerk	1,200 00	
Salary of license clerk	1,000 00	
Salary of mailing clerk	1,000 00	
Salary of janitor	600 00	
Contingent expenses	500 00	
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	1,000 00	
BUREAU OF BUILDING AND LOAN ASSOCIATIONS.		
Salary of inspector	1,000 00	
Salary of deputy inspector and supervisor bond investment companies	2,400 00	
Salaries of six examiners, at $1,800 each	10,800 00	
Salary of statistical clerk	1,350 00	
Salary of chief clerk	1,200 00	
Salary of clerk	1,200 00	
Salaries of extra clerks	800 00	
Salary of mailing clerk	200 00	
Salary of janitor	300 00	
Traveling expenses of inspector, deputy and examiners	1,000 00	
Contingent expenses	250 00	
SUPERVISOR OF PUBLIC PRINTING.		
Salary of supervisor	2,000 00	
State printing	5,000 00	
State bindery	7,500 00	
Contingent expenses	200 00	
SUPREME COURT AND LAW LIBRARY.		
Salary of marshal, who shall perform the duties of librarian and cataloguing	2,500 00	
Salary of assistant librarian and accession clerk	1,700 00	
Salary of first deputy marshal	1,350 00	
Salary of second deputy marshal	1,200 00	
Salary of third deputy marshal	1,000 00	
Salary of assistant librarian	1,000 00	
Salary of stenographer, first division	1,200 00	
Salary of stenographer, second division	1,000 00	
Salaries of two elevator attendants, at $720 each	1,440 00	
Salary of messenger	1,000 00	
Salaries of three porters, at $720 each	2,160 00	

Partial appropriations for 1906 and 1907.

Contingent expenses	700 00
Books and legal publications for law library...	500 00
CLERK OF SUPREME COURT.	
Salary of clerk	1,500 00
Salary of first deputy	1,800 00
Salary of second deputy	1,500 00
Salary of correspondence clerk	1,000 00
Salary of messenger	700 00
Contingent expenses	125 00
REPORTER OF SUPREME COURT.	
Salary of reporter	1,500 00
Contingent expenses	1,200 00
TREASURER OF STATE.	
Salary of treasurer of state	3,000 00
Salary of cashier	2,400 00
Salaries of two bookkeepers, at $1,800 each....	3,600 00
Salaries of two night watchmen	1,800 00
Salary of correspondence clerk	720 00
Contingent expenses	300 00
BOARD OF DEPOSIT.	
Salary of secretary	1,000 00
Contingent expenses	125 00
OHIO PENITENTIARY.	
Per diem of managers	5,000 00
Salaries of officers	5,000 00
Salaries of guards	16,000 00
Current expenses	20,000 00
Manufacture of gas, electricity and improvement of lights	2,500 00
Expenses of execution	500 00
Sewerage and waterworks	300 00
OHIO STATE REFORMATORY.	
Salaries of managers	3,000 00
Salaries of officers	5,000 00
Salaries of guards	2,000 00
Current expenses	12,000 00
Ordinary repairs and improvements	2,000 00
ATHENS STATE HOSPITAL.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00
CLEVELAND STATE HOSPITAL.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00
COLUMBUS STATE HOSPITAL.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	3,000 00
DAYTON STATE HOSPITAL.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00
LONGVIEW HOSPITAL, CARTHAGE, OHIO.	
Current expenses	30,000 00
MASSILLON STATE HOSPITAL.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00

Partial appropriations for 1906 and 1907.

TOLEDO STATE HOSPITAL.	
Current expenses	30,000 00
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	2,000 00
BOYS' INDUSTRIAL SCHOOL.	
Current expenses	10,000 00
Salaries of officers and teachers and trustees' expenses	5,000 00
Ordinary repairs and improvements	2,000 00
Rewards	200 00
GIRLS' INDUSTRIAL HOME.	
Current expenses	3,000 00
Salaries of officers and teachers and trustees' and lady board of visitors' expenses	1,000 00
Ordinary repairs and improvements	2,000 00
Steam heating	1,000 00
STATE SCHOOL FOR THE BLIND.	
Current expenses	6,000 00
Salaries of officers and teachers and trustees' expenses	4,000 00
Ordinary repairs and improvements	2,000 00
INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.	
Current expenses	5,000 00
Salaries of officers and teachers and trustees' expenses	7,000 00
Ordinary repairs and improvements	2,000 00
Lumber and nails for boxes	250 00
Foremen, supplies and industrial pursuits	500 00
INSTITUTION FOR FEEBLE-MINDED YOUTH.	
Salaries of officers and teachers and trustees' expenses	3,000 00
Ordinary repairs and improvements	3,000 00
SOLDIERS' AND SAILORS' HOME.	
Salaries of officers and trustees' expenses	2,000 00
Ordinary repairs and improvements	3,000 00
SOLDIERS' AND SAILORS' ORPHANS' HOME.	
Current expenses	20,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	5,000 00
Ordinary repairs and improvements	2,000 00
Industrial pursuits	2,000 00
Salaries of foremen and instructors	2,000 00
OHIO HOSPITAL FOR EPILEPTICS.	
Current expenses	10,000 00
Ordinary repairs and improvements	2,000 00
STATE FIRE MARSHAL.	
Balances and receipts.	
STATE BOARD OF MEDICAL EXAMINATION AND REGISTRATION.	
Balances and receipts.	
STATE BOARD OF PHARMACY.	
Balances and receipts.	
BUREAU OF UNIFORM SYSTEM OF PUBLIC ACCOUNTING.	
Balances and receipts.	

Partial appropriations for 1906 and 1907.

MISCELLANEOUS.

Pension for Mrs. J. P. Brush..... 96 00
Contingent fund of the senate for the use of select investigating committees 12,500 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1906, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriations for contingent expenses; no bills for carpets or furniture shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions. No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service; provided that moneys appropriated for the supreme court and law library, shall be drawn upon a requisition on the auditor of state approved by the marshal of the supreme court and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated; and this act shall take effect and be in force from and after its passage.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 1, 1906.
Approved March 5, 1906.

JOHN M. PATTISON,
Governor.

[House Bill No. 240.]

AN ACT

To supplement section 25 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, relating to the special powers of municipalities.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 25 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be supplemented by adding thereto a supplementary section as follows:

Sale of refuse, street sweepings, etc.

Sec. 25a. Any refuse, street scrapings, or ashes not necessary for the improvement of municipal property, and other personal property in charge of the street cleaning department no longer necessary for the purposes of said department shall be sold, in the manner provided by law for the sale of other personal property, by the board or officer having the supervision or management of the said department. The money arising from such sale shall be deposited in the treasury in the street cleaning fund and shall be immediately available, in addition to any appropriations by council, for the current expenses of the street cleaning department, and may be withdrawn from the treasury upon the warrant of the city auditor for said purpose. Said money shall not be considered a source of revenue subject to appropriation by council, and may be expended as herein provided without having been appropriated by council.

Disposition of money arising therefrom.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 6, 1906.
Approved March 7, 1906.

JOHN M. PATTISON,
Governor.

28G

[House Bill No. 79.]

AN ACT

To amend section 3718 of the Revised Statutes of Ohio, relating to the appointment, approval and salary of the agents of humane societies.

Be it enacted by the General Assembly of the State of Ohio:

Societies to prevent cruelty to animals:

SECTION 1. That section 3718 of the Revised Statutes of Ohio be amended so as to read as follows:

Societies may appoint agents to enforce law.

Sec. 3718. Such associations may appoint agents who shall be residents of the county or municipality for which the appointment is made for the purpose of prosecuting any person guilty of any act of cruelty to persons or animals within this state, who shall have power to arrest any person found violating any of the provisions of this chapter, or any other law for the purpose of protecting persons or animals or preventing any act of cruelty thereto; and upon making such arrest, such agent shall convey the person so arrested before some court or magistrate having jurisdiction of the offense, and there forthwith make complaint on oath or affirmation, of the offense; but all appointments by such associations under this section must have the approval of the mayor of the city or village for which the appointment is made, and if it exists outside of any city or village the appointment must be approved by the probate judge of the county for which the appointment is made, and the mayor or probate judge shall keep a record of all such appointments; provided that upon the approval of the appointment of any such agent or agents by the mayor of the city or village, the council of such city or village shall pay monthly to such agent or agents, out of the general revenue fund of such city or village, such salary as the council may deem just and reasonable; and upon the approval of the appointment of any such agent or agents by the probate judge of the county, the county commissioners shall pay monthly to such agent or agents, out of the general revenue fund of the county, such salary as the commissioners may deem just and reasonable; and provided further that the commissioners and the council of any such city or village may agree upon the amount each shall pay such agent or agents monthly, and the amount of salary to be paid monthly by the council of any such village to any such agent shall not be less than five dollars, by the council of any such city not less than twenty dollars, and by the commissioners of any such county not less than twenty-five dollars: provided that not more than one agent in each county shall receive remuneration from the county commissioners under the provisions of this section.

Approval of appointment.

Salary of agent.

Repeals.

SECTION 2. That original section 3718 of the Revised Statutes of Ohio be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

29G

[House Bill No. 237.]

AN ACT

To amend sections 2 and 4 of an act entitled, "An act to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," passed March 17, 1893, as amended April 25, 1904.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That sections 2 and 4 of an act entitled, "An act to create a sinking fund to provide for the payment of the bonded indebtedness of boards of education in city districts of the second grade of the first class," passed March 17, 1893, as amended April 25, 1904, be amended to read as follows:

Investment of sinking fund.

Sec. 2. The board of commissioners of the sinking fund shall invest the sinking fund in bonds of the United States, of the state of Ohio, of any municipal corporation, county, township or school district of any state or in bonds of its own issue. All interest received from such investments shall be deposited as other funds of said sinking fund, and reinvested in a like manner. For the extinguishment of any bonded indebtedness included in said sinking fund, the board of commissioners of the sinking fund is authorized to sell or use any of the securities or money of said fund.

Report of sinking fund commissioners.

Sec. 4. The board of commissioners of the sinking fund shall make an annual report to the board of education giving a detailed statement of the sinking fund for each year ending with August 31st. Such report shall be filed with the board of education on or before September 30th of each year and other reports may be required by the board of education when the same shall be deemed necessary. The board of education shall appropriate to the use of said sinking fund any taxes levied for the payment of interest on the bonded indebtedness of said board of education together with the sum provided for in section 1 of this act; and all such sums so appropriated shall be applied to no other purpose than the payment of said bonds and interest thereon and all necessary expenses of said commission. Whenever the board of education shall issue bonds for whatever purpose, the said issue shall first be offered for purchase to said board of commissioners of the sinking fund, who may purchase any or all of said issue of bonds at par; the board of commissioners shall, within five days of the time when notice is given, notify the board of education of its action upon said proposed purchase; after which time the board of education shall proceed to issue any portion not purchased by said commission, according to law.

Appropriation of taxes collected for payment of bonds and interest.

Bonds issued by board of education shall first be offered to sinking fund commissioners.

Repeals.

SECTION 2. That said sections 2 and 4 of said act, as amended, are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

30G

[House Bill No. 204.]

AN ACT

To authorize councils of villages to levy a tax for street lighting and fire protection.

Be it enacted by the General Assembly of the State of Ohio:

Village council authorized to levy tax for support of municipal waterworks or electric light plant.

SECTION 1. That when waterworks and electric light plants or either of them are owned, run and controlled by any village, and such village receives its street lighting and fire protection from such plant or plants and the proceeds derived from the operation of such plant or plants is found to be insufficient to pay the expenses of running and conducting such waterworks and electric [light] plants, or either of them, the council of such village may levy a tax not to exceed five mills on each dollar valuation of all the taxable property listed for taxation in said village, both real and personal, to pay the running expenses and the extensions made to such plant after applying the proceeds of such [said] plant thereto. Said tax to be in addition to all other tax now authorized by law.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

31G

[House Bill No. 238.]

AN ACT

To provide for self-cleaning ash pan attachments to locomotives and for the safety of employees of railroad companies.

Railroad companies must equip locomotives with self-cleaning ash dump pans.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any person, firm or corporation, owning, operating or controlling any railroad running

through or within the state of Ohio, shall in all cases where practical, cause each and every locomotive now in use upon such railroad, to be equipped with a self-cleaning ash dump pan of modern and approved pattern and design; and all engines or locomotives now in course of construction or that shall be built or constructed in the future, shall be so equipped. And in no case shall any engineer or fireman be compelled to go under any locomotive for the purpose of removing ashes from the same, except in cases of emergency.

Penalty.

SECTION 2. Any person, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined for each offense in any sum not less than $500 or more than $1,000. Provided, that this act shall not apply to any person, firm or corporation owning, operating or controlling any railroad or division thereof running through or within this state, who do not require engineers or firemen to go under the engine for the purpose of removing ashes from the same except in cases of emergency.

Additional penalty.

SECTION 3. Any person, firm or corporation failing to comply with the provisions of this act, shall not be allowed to set up or make the defense of contributory negligence, or assumption of risk, in any action for personal injury to, or death of, any engineer or fireman resulting from the failure of such person, firm or corporation to comply with the provisions of this act.

When act in effect.

SECTION 4. This act shall take effect and be in force on and after January 1, A. D. 1907.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

32G

[House Bill No. 64.]

AN ACT

To authorize township trustees to levy a tax to compensate private company or association for maintaining free public library.

Be it enacted by the General Assembly of the State of Ohio:

Township trustees authorized to levy tax to compensate private company or association for maintaining free public library.

SECTION 1. That the trustees of each township shall have power to levy and collect a tax not exceeding one-half mill on each dollar of the taxable property of the township, annually, and to pay the same to a private corporation or association maintaining and furnishing a free public library for the benefit of the inhabitants of the township as

and for compensation for the use and maintenance of the same, and without change or interference in the organization of such corporation or association, requiring the treasurer of such corporation or association to make an annual financial report, setting forth all the money and property which has come into its hands during the preceding year, and its disposition of the same, together with any recommendation as to its future necessities.

County auditor shall certify to township clerk amount collected for library purposes; clerk's duty.

SECTION 2. That the county auditor at each semiannual collection of taxes, where a tax for library purposes has been levied by the township trustees shall certify the amount collected from said levy for library purposes to the township clerk; and the township clerk shall forthwith draw his warrant on the township treasurer, payable to the treasurer of the library association for the amount so certified by the auditor.

Disposition of library property when library ceases to provide free public library.

SECTION 3. That if at any time such library corporation or association ceases to exist or from any reason fails to provide a free public library as required by the provisions of this act, the books and other property accumulated from the proceeds of the levy herein authorized shall become the property of the township and be subject to the control of the trustees of the township.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.
33G

[Senate Bill No. 80.]

AN ACT

To amend section 483 of the Revised Statutes of Ohio as amended by an act passed March 17, 1904, 97 Ohio Laws, page 37, providing for the time and manner of holding election and terms of office of superior court judges.

Be it enacted by the General Assembly of the State of Ohio:

Superior court of Cincinnati:

SECTION 1. That section 483 of the Revised Statutes of Ohio, as amended by an act passed March 17, 1904, 97 Ohio Laws, page 37, be and the same is hereby amended to read as follows:

Term of office of the judges and their election.

Sec. 483. The judges of the superior court shall severally hold their office for six years and shall be elected by the electors of the city of Cincinnati, on the first Tuesday after the first Monday of November of each odd numbered year preceding that in which the term of any such judges expires and the term of such judges shall begin on the first

day in January following such election; and in case the office of any one of the judges becomes vacant before the expiration of regular term for which he was elected the vacancy shall be filled by appointment by the governor and the judge so appointed shall hold his office until the first day of January next succeeding the November election held in an odd numbered year in which his successor is elected; provided, however, that the judge of such superior court, elected at the November election in 1904, shall hold his office until the first day of January, 1910; the judge elected on the first Monday in April, 1902, shall hold his office until the first day of January, 1908 and the judge elected on the first Monday in April, 1903, shall hold his office until the first day of January, 1908, provided further that at the election held on the first Tuesday after the first Monday in November, 1907, there shall be elected two judges of the superior court, one for a term of four years beginning January 1, 1908, and the other for a term of six years beginning January 1, 1908, and on the official ballot these respective terms shall be so designated.

Vacancies.

Beginning of term.

SECTION 2. That section 483 of the Revised Statutes as amended March 17, 1904, 97 Ohio Laws, page 37, be and the same is hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

34G

[Senate Bill No. 48.]

AN ACT

Amending section 6454 Revised Statutes of Ohio [and] conferring upon probate courts concurrent jurisdiction with courts of common pleas in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6454 of the Revised Statutes of Ohio be amended so as to read as follows:

Criminal:

Sec. 6454. The probate court shall have concurrent jurisdiction with the court of common pleas in all misdemeanors and all proceedings to prevent crime.

Concurrent jurisdiction of probate court.

SECTION 2. Said original section 6454 is hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.

35G

[House Bill No. 16.]

AN ACT

To authorize municipal corporations to contract to have treated with oil, for the purpose of laying the dust on, and preserving the surface of, streets, avenues, alleys and public squares and places and roadways in public parks, and providing for the payment of the cost of such treatment by assessment on abutting property and from the corporation's funds.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations authorized to treat streets, etc., with oil.

Contracts.

SECTION 1. Cities and villages shall have authority to treat with oil, for the purpose of laying the dust on, and preserving the surface of, streets, alleys, squares and public roadways. Whenever the council of any city or village desires to have such work performed by contract, it shall pass an ordinance declaring its intent so to do, and in villages the council shall contract and in cities the council shall direct the board of public service to contract, for a period named, not exceeding five years, with any person or corporation organized for such purpose, for treating with oil the streets, alleys, lanes, squares and public roadways and places, such contract to include all the districts established as hereinafter provided during the entire term of said contract. Such contract shall be made in accordance with the general laws governing municipal contracts, except that the requirement of section 45 of an act "to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as provided by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent therewith," passed October 22, 1902, that a certificate that the necessary money is in the treasury shall not apply to such contracts, nor shall the provision of section 1691 of the Revised Statutes (revision 1880) apply to any such contract.

Establishment of districts.

SECTION 2. Districts within which the streets, alleys and roadways shall be treated with oil, for the purpose of laying the dust thereon and preserving the surface thereof, may be established as follows:

Upon petition of property owners.

1. When a written petition signed by the owners of a majority of the abutting feet of property on any street or alley, or part thereof, or of connecting or intersecting streets or alleys, or parts thereof, having a roadway area of not less than twenty thousand square yards, is presented to the board of public service in any city or the council in any village, praying that the roadways within the territory described be treated with oil and for the assessment of the whole cost thereof on the property abutting such streets or alleys, the board or council shall forthwith declare, by resolution, such territory to be a district within which the roadways will be treated with oil, for a period named in the petition and not exceeding the life of the contract, and the cost there-

of assessed upon the property abutting the streets or alleys therein by the abutting foot.

By municipal authorities.

2. When, in the opinion of the board of public service in any city or of council in any village, the treatment with oil, for the purpose of laying the dust on and preserving the surface of the roadways of any public park or parks, or of any street or alley, or part thereof, or of connecting or intersecting streets or alleys, or parts thereof, having a roadway area of not less than twenty thousand square yards, will be of general benefit within the corporation, the board or council may declare by resolution such park or parks, or the territory including such street or alley, or part thereof, or intersecting or connecting streets or alleys, or parts thereof, to be a district within which the roadways shall be treated with oil, for a period named in the resolution and not exceeding the life of the contract, the whole cost, or such portion thereof as may by the board or council be deemed just, to be paid by the corporation, and any remainder of the cost to be assessed by the abutting foot on the property abutting the streets or alleys in such district; provided, that there shall be no assessment levied on any property in excess of fifty per cent. of the whole cost, except where petitioned for, as hereinbefore provided.

Assessment of property.

SECTION 3. Whenever any portion of the cost is to be assessed against private property, notice to the owners of the property shall be given by publishing the resolution establishing the district and setting forth the portion of the cost to be assessed, once each week, for two weeks in some newspaper published and of general circulation in the corporation, and if there is no newspaper published in such city or village, copies of the resolution shall be posted in twelve public places in the city or village.

Objections to assessment.

SECTION 4. If any owner objects to the assessment, he shall file his objections in writing with the board of public service in cities, and the council in villages, within ten days after such publication or posting, and thereupon the board of public service in cities and council in villages shall consider such objections, and, if they are found to be well taken, may remit the whole, or such portion as is deemed just, of the assessment against the property of the objecting owner, and any deficiency arising from such remitter may be made up from any fund of the corporation available for cleaning and repairing of streets, or by contributions from the owners desiring that the work be done.

Notification of contractor to proceed with work.

SECTION 5. After the expiration of the time within which objections may be filed, and the disposition of any objections, the board of public service in cities and council in villages shall notify the contractor of the passage of the resolution creating such district and direct such contractor to proceed with the work of treating with oil the roadways in the streets or alleys of such district, fixing in the notice to the contractor some reasonable period of time within which such work shall be begun.

Assessments and the collection thereof.

SECTION 6. Where the whole or any portion of the cost is to be assessed, the board of public service in any city and council in any village shall, within thirty days after the first treatment with oil in any district has been accomplished, and at its option may, at any time previous thereto, levy an assessment by the abutting foot on the property abutting the streets and alleys in such district to pay the whole or such portion of the cost as was in the resolution determined. The assessment so levied may be collected in one or more installments in the manner provided in the case of assessments for street improvements, with a penalty of five per centum and interest for failure to pay at the time fixed in the assessing ordinance; provided, however, that no assessment shall be collected in more than one installment unless the work petitioned for shall cover a period of time greater than one year, when the installments may equal in number the years for which the district was created. Bonds or certificates of indebtedness may be issued and sold in anticipation of the collection of said assessments, or installments of assessments, and there may be included in one bond issue or one certificate of indebtedness the amount of uncollected assessments, or installments of assessments, levied on the property in any number of districts and payable within any one calendar year. In the cost shall be included the cost of work done on intersections and roadways within the district, advertising, inspection and superintendence. The right of the city or village to levy said assessments shall not be affected by the amount of assessments theretofore levied upon said property.

Bonds may be issued.

Treatment herein provided regarded as a cleaning and repairing of streets, etc.

SECTION 7. The treatment with oil in this act provided for shall be regarded as a cleaning and repairing of streets and alleys, and the corporation's portion of the cost thereof may be paid from any fund available for the cleaning or repairing of streets or alleys, and when the roadways of any public park or parks are ordered to be so treated, the cost thereof may be paid from any fund available for the care or maintenance of such parks.

Term "owner" defined.

SECTION 8. The term "owner," within the meaning of this act, shall be held to include the legal or equitable owner, the person in whose name the property may be assessed for taxation on the tax duplicate, or a tenant giving satisfactory guaranty that the assessment against the property signed for will be paid.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March ——, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.
36G

[House Bill No. 137.]

AN ACT

To amend section 1 of an act entitled "An act to provide for a commission for building court houses," passed April 18, 1904, relative to compensation of commission.

Be it enacted by the General Assembly of the State of Ohio:

Court house building commissioners.

SECTION 1. That section 1 of an act entitled "An act to provide for a commission for building court houses," passed April 18, 1904, relative to compensation of commission, be amended so as to read as follows:

Appointment of commissioners.

Sec. 1. That when the county commissioners of any county have determined under and by the authority of the statutes of the state of Ohio to erect a court house which shall cost to exceed twenty-five thousand dollars and after the question of issuing the bonds of said county for the construction of said court house or other county building has been submitted to a vote of the electors of the county, and said question has been determined by said electors in the affirmative, said county commissioners shall, within thirty days after said election has been held and the results thereof determined, apply to the judge of the court of common pleas for said county, who shall appoint four suitable and competent freehold electors of said county, not more than two of whom shall be of the same political party, who shall, in connection with the county commissioners, constitute a building commission and who shall serve until the completion of said court house as contemplated herein.

Compensation.

Said persons so appointed shall receive a reasonable compensation for the time actually employed by them; said compensation to be fixed by the court of common pleas and paid out of county treasury, on the approval of the common pleas court. Said compensation shall not in the aggregate, for said four persons, and their successors, exceed two and one-half (2½%) per cent. of the amount received, by said county, from taxes raised for or from the sale of bonds issued for the purpose of building said court house, or other county building; said limitation on said compensation shall apply to persons now or hereafter appointed.

Expenses.

The necessary expenses for stationery, postage, correspondence and of travel out of said county, required in the discharge of the duties of said commission, shall be paid out of the treasury of said county on the order of the county commissioners and the warrant of the auditor.

Oath and bond.

Said freehold electors so appointed as aforesaid, shall before entering upon the discharge of their duties as herein provided, each take an oath of office, and shall, severally, enter into bond for the faithful and honest discharge of duties of their office, in the same amount as is required in cases of county commissioners, and with sureties to the approval of said judge of the court of common pleas; said bonds to be delivered to and kept by the county treasurer.

Vacancies.

In case of the death, resignation or removal of any of the

members of said building commissions so appointed, the vacancy shall be filled by said common pleas judge by appointment as hereinbefore provided. Said building commission shall, after adopting plans, specifications and estimates invite bids and award contracts for said court house, and for furnishing, heating, lighting, ventilating and for sewerage of the same, and to determine all questions connected therewith until said court house shall have been completed and accepted by said building commission.

Contracts.

Repeals.

SECTION 2. That section 1 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1906.
Approved March 14, 1906.

JOHN M. PATTISON,
Governor.
37G

[Senate Bill No. 52.]

AN ACT

To amend an act entitled "An act to establish a state forestry bureau" passed April 16, 1885.

Be it enacted by the General Assembly of the State of Ohio:

Forestry bureau:

SECTION 1. That an act entitled "An act to establish a state forestry bureau," passed April 16, 1885 be amended and enacted as portions of the Revised Statutes, with the sectional numbers as follows:

Department of forestry established; location.

Sec. 409*aa*. That there be and is hereby established at the Ohio agricultural experiment station located at Wooster, Ohio, a department of forestry to be under the board of control of said station, which board shall have the powers and shall perform the duties hereinafter imposed on it.

Duty of board of control.

Sec. 409*bb*. It shall be the duty of said board of control to inquire thoroughly into the character and extent of the forests of Ohio; to investigate the causes of their waste and decay; to conduct investigations in the several sections of the state in order to determine the species of valuable trees best suited to grow on the various kinds of soil of the state; to ascertain the cost and best methods of propagating, planting, cultivating and managing wood lots and plantations on the various kinds of soil; to determine by investigation the average rate of growth of the various species of trees and the relative values of the various kinds of timber for commercial and domestic purposes; to conduct experiments in the treatment of the various kinds of wood for the purpose of increasing durability; to determine by experiment

and investigation the kinds of trees and shrubs best suited to the various situations for wind-breaks and shelter, for beautifying grounds, and the best methods of planting and managing the same; and to determine the needs for the preservation, improvement and development of the forests of the several sections of the state.

Said board of control is hereby empowered to co-operate with the United States department of agriculture in the conducting of such part of the work herein above mentioned as may be agreed upon by said board of control and the said United States department of agriculture.

Board shall co-operate with United States department of agriculture.

Sec. 409*cc*. Said board of control shall issue bulletins and publications from time to time containing useful information and recommendations upon subjects mentioned in the preceding section, and shall make a full and complete report to the governor of the work done under the provisions of this act prior to the convening of the general assembly in January, 1908, and prior to the convening of each legislature thereafter, embodying in such reports such recommendations, and such suggestions as to what legislation, if any, as may be necessary for the development of a rational system of forestry adapted to the wants and conditions of the several sections of the state.

Bulletins and publications; biennial report.

Sec. 409*dd*. The said board of control shall perform the duties herein mentioned without compensation, and the expenditures by the state towards the co-operative work authorized by this act shall not exceed the amount expended by the United States department of agriculture in defraying the expense of such co-operative work.

Expenditures.

SECTION 2. That an act entitled "An act to establish a state forestry bureau," as passed April 16, 1885, be and the same are hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 15, 1906.
Approved March 17, 1906. JOHN M. PATTISON,
Governor.

38G

[Senate Bill No. 10.]

AN ACT

To amend section 1 of an act entitled "To provide for county inspectors of apiaries and defining their duties, and providing further [for their] compensation, for the purpose of curing and avoiding foul brood or other diseases among bees and their hives." Passed April 15, 1904, and supplementing said act as a whole by providing a mode and manner of raising funds to maintain and carry out the purposes of this [said] act.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "To provide for county inspectors of apiaries and defining their du-

County inspectors of apiaries:

ties, and providing for their compensation, for the purpose of curing and avoiding foul brood or other diseases among bees and their hives." Passed April 15, 1904, be amended so as to read as follows:

Upon petition county commissioners shall appoint bee inspector.

Sec. 1. That whenever a petition is presented to the board of county commissioners of any county in the state of Ohio, signed by three or more persons, all of whom are residents of said county and possessors of an apiary or place where bees are kept, stating that certain apiaries within said county are infected with the disease known as foul brood, or any other disease which is injurious to bees or their larvae, praying that an inspector be appointed by said board of county commissioners, said board of county commissioners shall within five days after the presentation of said petition appoint a person as bee inspector who is a resident of said county who shall be a skilled bee-keeper, having thorough knowledge of foul brood and other diseases injurious to bees and their larvae and the treatment of same.

SECTION 2. That said original act, "To provide for county inspectors of apiaries and defining their duties, and providing for their compensation, for the purpose of curing and avoiding foul brood or other diseases among bees and their hives," be supplemented by an additional section entitled, section 12*a* as follows:

Tax levy.

Sec. 12*a*. There shall be levied annually on the owner of each colony of bees in each county in the state an annual tax of one (1) cent for each colony owned which levy shall be placed on the tax duplicate of the county by the auditor of such county at the time of the levy of other taxes each year and such levy shall be predicated upon the returns for taxation as made to such auditor by the assessors having jurisdiction in the premises for the return of personal property for taxation; such assessors shall be provided with blanks necessary to procure such returns from owners of colonies of bees who shall on demand be required to list the same for taxation for the purposes of this act as in other cases of listing and valuation of personalty for taxation. The county treasurer shall collect the amount of said tax so assessed in the same manner and at the same time he collects other taxes and the same shall be certified to him by the county auditor in the same manner as other taxes for collection. The amount so collected shall constitute a special fund to be disposed of in the payment of the salary and actual expenses of the inspector of bees appointed in pursuance of the provisions of the act of April 15, 1904, aforesaid.

Repeals.

SECTION 3. That original section 1 of an act entitled, "To provide for county inspectors of apiaries and defining their duties, and providing for their compensation for the purpose of curing and avoiding foul brood or other diseases

among bees and their hives," passed April 15th, 1904 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 15, 1906.
Approved March 17, 1906.

JOHN M. PATTISON,
Governor.
39G

[Senate Bill No. 63.]

AN ACT

To provide for the appointment of a commission to accept donations, select and purchase lands and erect thereon necessary buildings and structures for a state institution for the treatment and schooling of indigent crippled and deformed children and the appointment of a board of trustees of such institution.

Be it enacted by the General Assembly of the State of Ohio:

Appointment of commission to select and purchase lands and erect thereon institution for treatment and education of deformed and crippled children.

SECTION 1. That a commission to be composed of the governor, auditor of state and three persons resident of said state, not more than two of whom shall belong to one political party to be appointed by the governor within thirty days after the passage of this act, be and the same is hereby established, and the said commission is directed and authorized to select and purchase, on behalf of the state not less than fifty (50) acres of land, in this state, suitable for the location of a state institution, to be known and designated as the Ohio institution for the treatment and education of deformed and crippled children. And said commission shall adopt plans and specifications, prepare estimates of cost of construction, accept donations, let contracts for and cause to be constructed on such lands all the necessary buildings and structures, at a total cost not to exceed that hereafter appropriated for said purpose, for the medical and surgical treatment and education, polytechnic and literary, of the crippled and deformed children of the state, under the age of eighteen years. Said institution is founded for the purpose of caring for, treating and schooling the crippled and deformed children of the state, that they may be aided to exist in physical comfort and be made self-sustaining citizens rather than lifelong charges upon the public. Children admissible to said institution shall be apportioned among the several counties of the state in proportion to the population as shown by the next preceding federal census, it being further provided that each county shall be entitled to at least two enrollments in said institution at all times. And said commission is also directed and authorized to purchase and provide all equipments,

fixtures and appliances and furnishings for such land, buildings and structures and to make such contracts and to employ an architect and other agents and employes as it may deem proper or necessary to carry into effect the provisions and purposes of this act.

DEEDS OF LAND PURCHASED:

Deeds of land purchased.

SECTION 2. The deeds of land purchased in pursuance of this act shall be executed in the name of the state of Ohio and be recorded in the records of deeds in the county wherein the same are situated.

OATH OF OFFICE:

Oath of office.

SECTION 3. The members of said commission appointed by the governor, before entering upon the duties of their office shall take and subscribe an oath or affirmation before some competent authority, faithfully to discharge all the duties required of them by this act.

EXPENSES OF COMMISSION:

Expenses of commission.

SECTION 4. The members of said commission shall be allowed their traveling and other necessary expenses incurred in the discharge of their duties. The accounts of expenditures, including expenses of the commission, when certified to by the president and secretary thereof, shall be audited and allowed by the auditor of state.

ORGANIZATION OF BOARD:

Organization of board.

SECTION 5. Within sixty days after the passage of this act the members of said commission shall meet in the office of the governor upon his call and organize by electing one of their number president and one of their number secretary of the commission, and they are authorized to make such rules and regulations governing the commission as they may deem proper. A majority of such members shall constitute a quorum for the transaction of business.

Board of trustees, appointment, etc.

SECTION 6. When the buildings and structures constructed under the provisions of this act are so far completed that in the opinion of the members of said commission they may be properly used for the purpose of said institution, the governor, with the advice and consent of the senate, shall appoint a board of trustees of said institution to consist of six members, not more than three of whom shall be of the same political party, appointed for one, two, three, four, five and six years, respectively from the date of their appointment and thereafter one member shall be appointed annually for a term of six years, and all vacancies occurring in said board shall be filled in [a] like manner.

Control and management of institution.

SECTION 7. The control and management of said institution shall be vested in the board of trustees in accordance with the provisions of sections 636 to 654 both inclusive, of the Revised Statutes of Ohio relative to other state benevolent institutions, and said sections shall apply to said board of trustees so far as the same be applicable.

Appropriation.

SECTION 8. For the purpose of carrying out in part the provisions of this act, there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of fifty thousand ($50,000.00) dollars.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 15, 1906.
Approved March 17, 1906.

JOHN M. PATTISON,
Governor.
40G

[Senate Bill No. 30.]

AN ACT

To amend section 550, Revised Statutes of Ohio, relating to change of venue in common pleas court, when judge is disqualified to sit.

Be it enacted by the General Assembly of the State of Ohio:

Provisions applicable to two or more courts:

SECTION 1. That section five hundred and fifty, Revised Statutes of Ohio be amended so as to read as follows:

Change of venue in common pleas court when judge is disqualified to sit.

Sec. 550. When a judge of the common pleas court is interested in any cause or matter pending before the court in any county of his district, or is related to, or has a bias or prejudice, either for or against, any party to such matter or cause, or to his counsel or is otherwise disqualified to sit in such cause or matter, on the filing of an affidavit of any party to such cause or matter, or of the counsel of any party setting forth the fact of such interest, bias, prejudice or disqualification, the clerk of the court shall enter the fact of the filing of such affidavit on the trial docket in such cause and forthwith notify the superivising judge of the subdivision or district, in which such cause or matter is pending, or if such supervising judge be disqualified as aforesaid, the supervising judge of any other subdivision or district, who is not so disqualified, who shall proceed in the same manner as provided in section four hundred and sixty-nine to designate and assign some other judge of the subdivision or district, in which such matter or cause is pending not disqualified as aforesaid, to hold the court and try the matter or cause where the same is pending, and it shall thereupon be the duty of the judge so assigned, to proceed

and try such matter or cause; provided however that the affidavit herein referred to, shall be filed not less than three days prior to the time set for the hearing in such matter or cause.

Repeals, etc.

SECTION 2. That said section five hundred and fifty, Revised Statutes of Ohio, be and the same is hereby repealed; and this act shall apply to pending actions and proceedings.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 15, 1906.
Approved March 17, 1906.

JOHN M. PATTISON,
Governor.
41G

[Senate Bill No. 49.]

AN ACT

Relating to the disposition of stolen property as recovered by police department and supplementing section 6858, Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against property:

SECTION 1. That section 6858 of the Revised Statutes of Ohio be further supplemented as follows:

Disposition of stolen or other property recovered by police.

Sec. 6858-1. All stolen or other property recovered by members of the police force shall be deposited and kept in a place designated by the mayor; every such article or property shall be entered in a book, kept for that purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken with general circumstances, and the date of its receipt and the name of the officer receiving the same; and an inventory of all money, or other property, shall be given to the party from whom the same was taken, and in case the same is not, within thirty days after such arrest and seizure, claimed by some person, it shall unless otherwise ordered by the board, be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor, or clerk except by special order of the mayor; and in case such money or property is, within thirty days claimed by any other person it shall be retained by such custodian until after the discharge or conviction of the person from whom the same was taken and so long as it may be required as evidence in any case in court; and if such claimant establish, to the satisfaction of the police judge, that he is the rightful owner, the same shall be restored to him, otherwise, it shall be returned to the accused person, personally, and not to any attorney, agent, factor, or clerk of such accused

person, except upon special order of the mayor after all liens and claims in favor of the city, against the same shall have first been discharged and satisfied.

Penalty against officer for neglecting or refusing to dispose of property as herein provided.

Sec. 6858-2. In case of the neglect or refusal of any officer or patrolman to deposit the property taken or found on the possession of any person arrested, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and subject to indictment, or information, and be fined in a sum not exceeding three thousand dollars, and in no case less than twice the value of the property, or be imprisoned in the county jail not exceeding one month or both; and the sentence of the court in all such cases shall operate to vacate the office of the person so convicted.

Sale of unclaimed goods.

Sec. 6858-3. All goods unclaimed for the period of one year shall be sold by the superintendent of police at public auction, after giving due notice thereof, by advertisement published three times in a newspaper of general circulation in such county.

Disposal of proceeds.

The proceeds realized from such sale at public auction shall be paid over to the treasurer of the police relief fund to be placed to the credit of said fund, in all municipalities where there is such a fund and trustees and officers thereof; provided, however, that in municipalities where there is no police relief fund and trustees and officials thereof, said proceeds of said sales at public auction shall be turned over to the treasurer of such municipality, to be credited to the general fund of such municipality.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 15, 1906.
Approved March 17, 1906.

JOHN M. PATTISON,
Governor.

42G

[House Bill No. 97.]

AN ACT

To supplement section 6945 of the Revised Statutes of Ohio by enacting sections 6945*a*, 6945*b* and 6945*c*, relative to public dance halls and roller skating rinks.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6945 of the Revised Statutes of Ohio be supplemented as follows:

No public dance, roller skating or like entertainment shall be given without mayor's permit.

Sec. 6945*a*. No public dance, roller skating or like entertainment shall be permitted or given in any building, hall, room or rink within any city or village within this state, without first having obtained a permit so to do from the mayor of the city or village in which said dance, roller skating or like entertainment is to be held or given.

Sale of intoxicating liquors on premises where such entertainment is being given, prohibited.

Sec. 6945*b*. No intoxicating liquors of any kind shall be sold or served on the same floor or floors of any building, hall, room or rink on which such public dance, roller skating or like entertainment is being held or given, during the progress of such entertainment, or in any room or rooms directly connected therewith by any door or stairway, which connects such hall, room or rink with any room or place on the same floor or floors wherein intoxicating liquors are sold or kept for sale.

Police shall enforce this act.

Sec. 6945*c*. It is hereby made the duty of the mayor of any city or village where in his opinion it is necessary to detail such number of police officers as may be required to preserve order at such public dance, roller skating rink or other entertainment and enforce the provisions of this act.

Notice shall be posted.

And it is hereby made the duty of the owner or lessor of any building containing any dance hall, room or rink, to keep posted in a conspicuous place in such hall, room or rink, a copy of this act.

Penalty.

Whoever violates any provision of this act shall be fined in any sum not exceeding one hundred dollars ($100.00) nor not less than fifteen dollars ($15.00) or be imprisoned not more than sixty days, or both.

FREEMAN T. EAGLESON,
Speaker pro tem of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 22, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

43G

[House Bill No. 268.]

AN ACT

To provide for the filing, recording and entering on the judgment dockets in any of the courts of common pleas of Ohio certified copies of any judgment rendered by the district or circuit courts of the United States, in and for districts in Ohio, in the office of any court of common pleas of the state of Ohio, in the same manner as judgments rendered by courts of record of the state of Ohio are now filed, recorded and entered, and declaring the effect thereof.

Be it enacted by the General Assembly of the State of Ohio:

Judgments of United States courts; certified copies of may be filed in office of county clerk.

SECTION 1. That any person interested may file, or cause to be filed in the office of the clerk of courts of any court of common pleas of this state, a copy of any judgment rendered by the districts or circuit courts of the United States, in and for the districts of Ohio, certified by the clerk

of, and under the seal of such court of the United States, and when so filed, the same shall be recorded and indexed in the current journal of said court and be entered in the execution docket and appearance docket in the same manner as judgments rendered in any such court of common pleas of the state of Ohio.

Judgment shall be lien on real estate.

SECTION 2. Such judgment, from the time of filing the copy aforesaid, shall be a lien upon all the real estate of the judgment debtor, situate in the county where filed as fully as if such judgment had been rendered therein.

Fees.

SECTION 3. The same fees shall be taxed, charged and received by the clerk of such court of common pleas for so filing, recording and entering such copy as are taxed, charged and received by him according to law for filing, recording and entering transcripts of judgments, for like purposes, rendered by the courts of record of this state.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 19, 1906.

This bill was presented to the governor, March 20, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

44G

[House Bill No. 244.]

AN ACT

To amend sections 2835, 2835b, 2836 and 2837 of the Revised Statutes of Ohio, relating to the issue and sale of bonds by municipalities.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That sections 2835, 2835b, 2836 and 2837 of the Revised Statutes of Ohio be amended so as to read as follows:

Townships and municipalities may issue and sell bonds for purposes specified in this act.

Sec. 2835. That the trustees of any township, or the council of any municipal corporation of the state of Ohio, shall have the power to issue and sell bonds in such amounts and denominations, for such period of time and at such rate of interest, not exceeding six per cent., and in such manner as is provided by law for the sale of bonds by such township or municipal corporation, for any of the purposes provided for in this act, whenever such trustees or council by an affirmative vote of not less than two-thirds of the members elected or appointed thereto shall by resolution or ordinance deem the same necessary.

1. For procuring the real estate and right of way for any improvement authorized by this section, or for purchasing real estate with a building or buildings thereon, to be used for public purposes.

2. For extending, enlarging, improving, repairing or securing a more complete enjoyment of any building or improvement authorized by this section, and for equipping and furnishing the same.

3. For sanitary purposes and for erecting a crematory or providing other means for disposing of garbage and refuse matters.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For erecting infirmaries.

7. For erecting workhouses, prisons and police stations.

8. For erecting houses of refuge and corrections.

9. For erecting market houses and providing market places.

10. For erecting public halls and public offices.

11. For erecting or purchasing waterworks and supplying water to the township, or corporation and the inhabitants thereof.

12. For erecting or purchasing gas works or electric light works, and for supplying light to the township or corporation and the inhabitants thereof.

13. For providing grounds for cemeteries or crematories, for enclosing and embellishing the same, and for erecting vaults.

14. For constructing sewers, sewage disposal works, flushing tunnels, drains and ditches.

15. For establishing free public libraries and reading rooms.

16. For the establishment of free public baths.

17. For erecting monuments to commemorate the services of soldiers, sailors and marines of the state and nation.

18. For improving any water course or water front.

19. For the payment of obligations arising from emergencies resulting from epidemics, or floods, or other forces of nature.

20. For purchasing and condemning the necessary land for park and boulevard purposes and for improving the same as well as for improving or completing the improvement of any existing boulevard, park, or parks.

21. For erecting hospitals and pest houses and for rebuilding, or improving existing hospitals and pest houses.

22. For resurfacing, repairing, or improving any existing street or streets as well as other public highways.

23. For opening, widening and extending any street or public highway.

24. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improvement.

25. For constructing levees and embankments or paving or improving the same, and for improving any water course passing through said township or municipal corporation.

26. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning the necessary land therefor.

27. For erecting any building necessary for a fire department, purchasing fire engines, fire boats, constructing water towers, and fire cisterns, and paying the cost of placing underground the wires or other signal apparatus of any fire department.

Total bonded indebtedness permitted to be created by township or municipality in any one year.

The bonds herein authorized may be issued for any or all purposes enumerated herein, but the total bonded indebtedness hereafter created in any one fiscal year under the authority of this act by any township or municipal corporation shall not exceed one (1) per cent. of the total value of all property in such township or municipal corporation, as listed and assessed for taxation, except as otherwise provided in this act.

Exception; may exceed said amount after submission of question to vote.

Whenever the trustees of any township or the council of any municipal corporation, shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, deem it necessary in any one fiscal year to issue bonds for all or any of the purposes authorized in this act in any amount greater than one per cent. of the total value of all property in such township or municipal corporation as listed and assessed for taxation, then and in that event they shall submit the question of issuing any bonds in excess of said one per cent. to a vote of the qualified electors of such township or municipal corporation at a general or special election in the manner hereafter provided in section 2837, Revised Statutes.

Amount of net indebtedness permitted to be incurred by township or municipality at any time; exception.

Provided, however, that the net indebtedness incurred by any township or municipal corporation, after the passage of section 2835, Revised Statutes, as amended April 29, 1902, for the purpose herein enumerated, shall never exceed four (4) per cent. of the total value of all property in such township or municipal corporation, as listed and assessed for taxation, unless an excess of such amount is authorized by vote of the qualified electors of such township or municipal corporation in the manner hereafter provided in section 2837, Revised Statutes.

"Net indebtedness" defined.

In arriving at the net indebtedness incurred, allowance shall be made only for the amount held in the sinking fund for the redemption of bonds theretofore issued under the provisions of section 2835 as amended April 29, 1902, and subsequently, and the net indebtedness shall be held to be

the difference between the par value of all such outstanding and unpaid bonds and the amount held in the sinking fund for their redemption.

Fiscal year for purposes of this act.

For the purposes of this act the fiscal year shall hereafter be the calendar year, from January 1 to December 31 inclusive, and an indebtedness shall not be deemed to have been created or incurred, where the work is to be done by or through the officers of the township or municipal corporation, until the bonds therefor have been issued and sold.

When limitation above prescribed not applicable.

Sec. 2835*b*. Provided further that the limitations of one per cent. and four per cent. prescribed in section 2835, Revised Statutes, shall not be construed as affecting bonds issued under authority of said section 2835 upon the approval of the electors of the corporation, nor shall bonds which are to be paid for by assessments specially levied upon abutting property, nor bonds issued for the purpose of constructing, improving and extending waterworks when the income from such waterworks is sufficient to cover the cost of all operating expenses, interest charges and to pass a sufficient amount to a sinking fund to retire such bonds when they become due, nor any bonds issued prior to the passage of section 2835 Revised Statutes as amended April 29, 1902, be deemed as subject to the provisions and limitations of said section, or be considered in arriving at the limitations therein provided.

Tax shall be levied to pay bonds and interest; exception.

Sec. 2836. For the payment of bonds issued under the authority of section 2835 of the Revised Statutes or issued after a submission of the question to the people under the provisions of section 2837 of the Revised Statutes, the trustees of any township or the council of any municipal corporation shall, unless the interest on and redemption of such bonds is otherwise provided for, levy a tax in addition to all levies now authorized by law, every year during the period said bonds have to run sufficient to pay the interest on said bonds and to provide a sinking fund for their final redemption at maturity.

Procedure when question of bond issue must be submitted to vote.

Sec. 2837. Before any bonds in excess of the said one per cent. in any one year or in excess of the said four per cent. in the aggregate are issued or tax levied, as provided in sections 2835 and 2836, Revised Statutes, the question of issuing the same shall be submitted to the voters of the township or municipal corporation at a general or special election. And whenever the trustees of any township or the council of any municipal corporation shall by resolution or ordinance passed by an affirmative vote of not less than two-thirds of all the members elected or appointed thereto, declare it necessary to issue and sell the bonds of such township or municipal corporation as the case may be, for any or either of the purposes mentioned in section 2835 of the Revised Statutes in excess of the amounts therein authorized, and shall by such resolution or ordinance fix a date upon which the question of issuing and selling such bonds shall be submitted to the electors of such township, or municipal cor-

poration, and shall cause a copy of such resolution or ordinance to be certified to the deputy state supervisors of the county in which such township or municipal corporation is situated, and such deputy state supervisors shall thereupon proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of any such township or municipal corporation at the time fixed in said resolution. Such election shall be held at the regular place or places of voting in such township or municipality, and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as November elections in such township or municipal corporation for the election of officers thereof. Thirty days' notice of the submission shall be given in one or more papers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in some newspaper of general circulation in the township or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds for such excess shall be issued and tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots in quotation, "For the issue of bonds;" and those who vote against the same shall have written or printed on their ballots the words, "Against the issue of bonds." Provided, however, that no township or municipal corporation shall hereafter create or incur a net indebtedness under the authority of this act in excess of eight per cent. of the total value of all property in such township or municipal corporation as listed and assessed for taxation. All bonds heretofore issued in good faith under the authority of section 2835, Revised Statutes, as amended April 29, 1902, and April 23, 1904, which at the time of issue, were within the limitations herein provided, shall be valid obligations of the township, city, village or other municipal corporation which issued them and in arriving at the limitations of 8 per cent. herein provided, and of 4 per cent. in section 2835 Revised Statutes provided, all such bonds, except those excluded by the provisions of section 2835*b*, Revised Statutes, shall be considered.

Number of votes necessary to authorize issue.

Total net indebtedness permitted.

SECTION 2. That sections 2835, 2835*b*, 2836 and 2837, Revised Statutes of Ohio, be and the same are hereby repealed.

Repeals.

FREEMAN T. EAGLESON,
Speaker pro tem of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 22, 1906, and was not signed or returned to the house wherein

it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

45G

[House Bill No. 305.]

AN ACT

To further provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations.

Be it enacted by the General Assembly of the State of Ohio:

Petition to prohibit sale of intoxicating liquor in residence district; filing and examination of.

SECTION 1. Whenever a majority of the qualified electors of any residence district of any municipal corporation sign a petition in favor of prohibiting the sale of intoxicating liquors as a beverage in such residence district and file the petition with the mayor of the municipal corporation or with any judge of the court of common pleas of the county in which such municipal corporation is situated, the mayor or judge shall examine the petition at a public hearing and decide upon the sufficiency of the petition and cause a copy of his decision to be filed with the clerk of the municipal corporation or council. The decision of the mayor or judge, as certified to the clerk of the municipal corporation or council and recorded by him in the records of the council of the corporation, or a certified copy thereof, provided it shows that a majority of the voters of such residence district were in favor of prohibiting the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the selling, furnishing or giving away of intoxicating liquors as a beverage or the keeping of a place where such liquors are sold, kept for sale, furnished or given away, if such selling, furnishing or giving away or keeping of such place occurred thirty days after the finding by said mayor or judge, was then and there prohibited and unlawful.

Record of decision of mayor or judge; its value as evidence.

Petition against prohibition of sale of intoxicating liquor in residence district; filing and examination of.

SECTION 2. Whenever a majority of the qualified electors of any residence district of any municipal corporation in which the sale of intoxicating liquors as a beverage has been prohibited under the provisions of section one of this act, shall sign a petition against prohibiting the sale of intoxicating liquors as a beverage in the same residence district and file the petition with the mayor of the municipal corporation or with any judge of the court of common pleas in the county, the mayor or judge shall examine the petition at a public hearing and decide upon the sufficiency of the petition and cause a copy of his decision to be filed with the clerk of the municipal corporation or council. The result of such examination and the finding duly certified by the judge or mayor and recorded by the clerk of the municipal corporation or council in the records of

Record of decision of mayor or judge; its value as evidence.

the proceedings of the council of the corporation, provided that it shows that a majority of the voters of the residence district are opposed to prohibiting the sale of intoxicating liquors as a beverage, shall be prima facie evidence that the sale of intoxicating liquors as a beverage in the residence district is not then and there prohibited. The petition provided for in this section shall not be filed until after two years or more shall have elapsed after the filing of the petition provided for in section one of this act. Nothing in this act shall be construed to affect or repeal any other law which prohibits the selling, furnishing or giving away of intoxicating liquor as a beverage, or the keeping of a place where intoxicating liquor is sold, furnished or given away as a beverage which is in force and effect throughout the municipal corporation.

When such petition may be filed.

SECTION 3. A petition in favor of prohibiting the sale of intoxicating liquor as a beverage in a residence district substantially as follows shall be sufficient:

Form of petition.

"A petition to prohibit the sale of intoxicating liquors as a beverage in a residence district of the municipal corporation of ..... in the state of Ohio.

To..... Date.....

We, the undersigned, respectfully represent that we are qualified electors in the following residence district, to-wit:

....

....

in the municipal corporation of....., county of ....., state of Ohio, and that we are in favor of prohibiting the sale of intoxicating liquors as a beverage in said residence district."

A petition against prohibiting the sale of intoxicating liquors as a beverage in a residence district substantially as follows will be sufficient:

"A petition against prohibiting the sale of intoxicating liquors as a beverage in a residence district of the municipal corporation of ..... of the state of Ohio.

To..... Date.....

We, the undersigned, respectfully represent that we are qualified electors in the following residence district, to-wit:

....

....

in the municipal corporation of ....., in the county of ....., state of Ohio, and we are opposed to prohibiting the sale of intoxicating liquors as a beverage in said residence district."

Any qualified elector may authorize any person to sign the petition for him by a written power of attorney. No elector will be allowed to add his name to the petition after it is filed or withdraw his own or authorized signature from the petition unless he can prove to the mayor or judge that it was secured through fraud or misrepresentation. The petition provided for in this act shall be deemed sufficient when it is signed by as many qualified electors as equal a majority

in number of the votes cast at the last regular municipal election in such residence district, but must in order to be valid, be filed not later than three months after the signing thereto of the signature first in order of time. The expense incurred for the publication of notices for the hearing on the petition shall be paid out of the general revenue fund of the municipal corporation upon the order of the mayor or judge passing upon the petition.

Public hearing for consideration of petition.

SECTION 4. When the petition referred to in this act has been filed with the mayor of the municipal corporation or with any judge of the court of common pleas in the county, the mayor or judge shall forthwith cause a notice of the hearing on such petition to be published in two newspapers of opposite party politics published in the municipal corporation, if there be two, which notice shall set forth the time when and place where the judge or mayor will consider the petition, at which time he shall hear any person or persons who are electors of the district as to the question of the petitioners being qualified electors in the residence district or any other matter which may be brought before the mayor or judge for determination relating to the sufficiency of the petition. The mayor or judge shall decide whether the petitioners are qualified electors in the residence district and equal in number a majority of the votes cast in the residence district at the last regular municipal election and the mayor shall make a record of his findings on his docket and the judge shall cause the same to be recorded in the records of his court, and thereupon such mayor or judge shall cause a certified copy or certificate of his findings together with the original petition to be filed with the clerk of the municipal corporation or council in not less than five days after such finding and not more than forty days from the filing of the petition with the mayor or judge.

Certificate of finding of mayor or judge.

The following shall be a sufficient certificate of the finding of the mayor or judge:

"This is to certify that I have examined the petition which is attached hereto, at a public hearing duly announced and hereby find that on the.....day of.....A. D. ..... that the petition meets the requirements of the law and that a majority of the voters of the following residence district, to-wit: ..... in the municipal corporation of ....., county of ....., state of Ohio, are (in favor of or opposed to) prohibiting the sale of intoxicating liquors as a beverage in said residence district."

Date .....

.....
Official Signature.

Recording of certificate.

The clerk of the municipal corporation in which the residence district is situated shall forthwith upon receiving the certificate of the decision of the sufficiency of the petition, record said petition with the said certificate of such decision on the records of the council of the municipal cor-

poration and shall certify to the correctness of the same substantially as follows:

"I hereby certify that the foregoing is a correct copy of the petition relating to the sale of intoxicating liquors as a beverage in the following residence district, to-wit:..... ....., in the municipal corporation of ..... and the finding of the mayor or judge on the petition."

.....
Official Signature.

Bribery and intimidation; penalty.

Whoever bribes, boycotts or intimidates or attempts to bribe, boycott or intimidate any qualified elector to keep such elector from signing the petition or to secure the signature of such elector to the petition provided for in this act; or whoever removes any person in his employ or threatens to remove any person in his employ or under his control, either directly or indirectly, in order to secure his signature to such petition, or to keep such person from signing such petition, shall be guilty of a misdemeanor and shall be fined not less than $100, nor more than $500, and the signature of any person secured to such petition by bribery, boycott or intimidation shall be stricken from such petition.

When the sale in a residence district shall be unlawful.

SECTION 5. If the findings of the mayor or judge or a copy as recorded by the clerk of the municipal corporation or council on the records of the council shows that a majority of the qualified electors in the residence district named are in favor of prohibiting the sale of intoxicating liquors as a beverage, then, from and after thirty days from the date of such finding by the mayor or judge it shall be unlawful for any person, personally or by agent within the limits of such residence district of such municipal corporation to sell, furnish or give away any intoxicating liquors to be used as a beverage, or to keep a place where such intoxicating liquors are kept for sale, given away or furnished for beverage purposes, and whoever from and after thirty days aforesaid in any manner whatever, directly or indirectly, sells, furnishes or gives away, or otherwise disposes of any intoxicating liquors as a beverage, or keeps or uses a place, structure or vehicle, whether permanent or transient for such selling, furnishing or giving away or in which or from which intoxicating liquors are sold, furnished or given away or otherwise disposed of as aforesaid, or violates any of the provisions of this act shall be guilty of a misdemeanor and shall on conviction thereof be fined not more than two hundred dollars nor less than fifty dollars for the first offense; and shall for any subsequent offense be fined not more than five hundred dollars, nor less than two hundred dollars. The court on any conviction for a second or subsequent offense shall order the place where such liquor is sold, furnished or given away for beverage purposes to be abated as a nuisance and shall order the person convicted for [such] subsequent offense to give bond payable to the state of Ohio in the sum of one thousand dollars with sureties to the acceptance of the court that he will not sell, furnish or give away

Penalty for making such prohibited sale.

intoxicating liquor as a beverage in such residence district in violation of law.

What territory controlled by result of action.

SECTION 6. The territory enclosed by the boundary of any residence district within which the sale of intoxicating liquors has been prohibited, as provided for in section one of this act, shall be controlled by the result of such action, and the law shall remain in full force and effect in said residence district for two years and thereafter until another petition is presented under the provisions of section two of this act in said residence district; and after a petition against prohibiting the sale of intoxicating liquors has been presented and held sufficient by the judge or mayor, another petition cannot be presented for two years thereafter.

Meaning of phrase "intoxicating liquor."

SECTION 7. The phrase "intoxicating liquor" as used in this act shall be construed to mean any distilled, malt, vinous or any intoxicating liquor, by whatever name the same may be known, but nothing in this act shall be construed to prevent the selling of intoxicating liquors at retail

Regular druggists.

by a regular druggist for exclusively known medicinal, mechanical, pharmaceutical, scientific or sacramental purposes; and when sold for medicinal purposes shall be sold only in good faith upon a written prescription issued, signed and dated in good faith by a reputable physician in active practice and the prescription used but once. Such prescription shall contain the name of the party for whom the liquor is prescribed, and direction for its use. The words "giving away" where they occur in this act shall not apply to the giving away of intoxicating liquors by any person in his private dwelling unless such private dwelling is a place of public resort. And nothing contained in any of the sections

Manufacturer may sell at wholesale to retail dealers.

of this act shall in any manner affect the right of any manufacturer of intoxicating liquors from the raw material, to sell, deliver and furnish his product in wholesale quantities to bona fide retail dealers trafficking in intoxicating liquors or in wholesale quantities to any party or parties residing outside the limits of said district, nor of any bona fide wholesale dealer in said district to sell or deliver intoxicating liquors in wholesale quantities to customers of such district, or to bona fide residences in such district.

Meaning of term "qualified elector."

The original petitions and findings of the mayor or judge shall be filed with the clerk of the municipal corporation or council as a public document. The term "qualified elector" as used in this act means registered male voters in all municipal corporations which have registration and all other male voters entitled to register who have been bona fide residents of the district for four months before such petition is filed with the mayor or judge. In municipalities which do not have registration, such male voter or male qualified elector must be a bona fide resident of the district for four months before such petition is filed with the mayor or judge.

Meaning of phrase "residence district."

The phrase "residence district" as used in this act, shall be construed to mean any clearly described, contiguous, compact section or territory in a municipal corporation bounded

by street, corporation or other well recognized lines or boundaries and containing not fewer than three hundred qualified electors, nor more than five thousand qualified electors; and such district shall not contain any block in which one-half or more of the foot frontage of such block is occupied by buildings and premises actually devoted to commercial, manufacturing, mercantile or other business purposes not including saloons; and further, such district shall not contain the property or premises abutting on a section of a street lying between two consecutive cross or intersecting streets, from street to street, or extending for a distance of not less than five hundred feet along such street on which said premises abut, whenever sixty-five per cent. of the foot frontage of such abutting property on each side of such street is occupied for and devoted to manufacturing, mercantile or other business purposes, not including saloons, if such section of such street is in the central or main business part of the municipal corporation; provided, however, that in determining the total foot frontage referred to herein, property occupied by saloons shall not be counted as either business or residence property. Whenever a section of a street is made exempt from the provisions of this act, lot lines may be used in outlining the boundary of the district to exempt the property facing on such section of such street.

Parks in residence districts and property devoted to educational, religious or charitable uses, shall for the purpose of this act, be held to be occupied for residence purposes; while public property devoted to other than the above specified uses, shall, for like purposes, be deemed to be occupied for business purposes. Buildings which have more than one-half of the floor space of the buildings used for residence purposes shall be counted as residence property. When but one side of said portion of said street is adaptable for residence or business purposes, then such side of such portion of such street shall determine whether the property abutting on both sides of such street be counted as business or residence property. The maximum length of a residence district shall not exceed three times its maximum width unless the boundaries of the municipal corporation or exempted territory prevents the district from containing the requisite number of voters. In such case the boundaries shall follow the proportionate length and breadth provided herein as nearly as possible.

Meaning of terms "block" and "saloon."

The term "block" shall be construed to mean the territory bounded by four well recognized adjacent streets and not alleys. The term "saloon" shall mean any place where intoxicating liquor is sold or trafficked in as a beverage.

Sufficiency of indictments under this act.

SECTION 8. In indictments, informations or affidavits for violations of this act, it shall not be necessary to set forth the facts showing that the required number of electors in any residence district of a municipal corporation signed a petition in favor of prohibiting the sale of intoxicating liquors or that there was a public hearing or that any finding was made upon such petition or that a certificate of such findings with the pe-

tition was transmitted to the clerk or a record made of it by the clerk, as hereinbefore provided; but, it shall be sufficient to state that the act complained of was then and there in the residence district named prohibited and unlawful.

Rebate of Dow tax when sale discontinued.

SECTION 9. When any person, company or corporation engaged in the traffic has discontinued such traffic within the time specified by section one of this act and has paid or is charged upon the tax duplicate with an assessment upon such traffic, the county auditor, upon being satisfied of such facts shall issue to such person, company or corporation a refunding order of an amount proportionate to the unexpired time for which said assessment has been paid or is charged.

Disposition of fines collected.

SECTION 10. Money received from fines and forfeited bonds collected under the provisions of this act, shall be paid into the treasury of the municipal corporation wherein such fine was imposed or bond forfeited, and shall be applied to such purposes as the council thereof may direct.

Former residence district local option law.

SECTION 11. In all residence districts where the sale of intoxicating liquor has been prohibited under the provisions of the act entitled "An act further to provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations," passed April 18, 1904 (97 O. L. 87), such law thus prohibiting the sale of intoxicating liquors as a beverage shall remain in full force and effect in such residence district for two years from the date of the local option election held and thereafter until a petition has been presented to the mayor or judge as provided for in section one or two of this act.

Proceedings in error.

SECTION 12. Any person being a qualified elector of any residence district of any municipal corporation wherein a petition shall have been presented and held sufficient by a mayor or judge as provided for in this act may prosecute error from such finding by first filing a motion for leave to file a petition in error with the circuit court of the county in which such residence district is situated. The motion shall not be granted unless for good cause shown. If such motion is granted, a petition in error shall be filed within fifteen days after the finding or decision of the mayor or judge setting forth the errors complained of. The circuit court upon the filing of such petition shall forthwith issue a summons addressed to the mayor of such municipal corporation notifying him of the filing of the petition in error and directing him to appear in said court on behalf of said residence district at the time mentioned in the summons which time shall not be more than thirty days after the finding or decision of the mayor or judge nor less than ten days after the filing of such petition. The circuit court shall have final jurisdiction to hear and determine the merits of the proceedings and there shall be no appeal or error proceedings allowed from such decision. The circuit court shall require the person or persons prosecuting error from the finding or decision of the mayor or judge to furnish se-

curity for costs before such petition is filed. Any qualified elector in such residence district may appear in person or by attorney at such hearing before the circuit court or on the motion for leave to file petition in error in defense of the validity of the proceedings before the mayor or judge taking action upon the petition.

Repeals, etc.

SECTION 13. That the act entitled "An act further to provide against the evils resulting from the traffic in intoxicating liquors by providing for local option in residence districts of municipal corporations," passed April 18, 1904, and approved April 19, 1904 (97 O. L., p. 87), be and the same is hereby repealed when this act goes into effect.

FREEMAN T. EAGLESON,
Speaker pro tem of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 22, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

46G

[House Bill No. 242.]

AN ACT

To promote the safety of employees and travelers upon railroads by compelling common carriers by railroad in the state of Ohio, to equip their cars with automatic couplers, sill steps, grab irons, and continuous brakes, and their locomotives with driving wheel brakes, also to regulate the percentage of cars controlled by brakes in charge of the engineer, and to provide against the assumption of risk in certain cases, and to repeal section 1 of an act entitled "An act to require railroad corporations to equip and furnish all cars used in their service with air brakes and automatic couplers and their engines with power brakes," passed April 14, 1893, as amended April 23, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Railroad companies required to equip locomotives and cars with power brakes.

SECTION 1. That it shall be unlawful for any common carrier engaged in moving traffic by railroad between points within this state to use on its line any locomotive in moving such traffic not equipped with power driving wheel brakes and appliances for operating the train brake system, or to run any train in such traffic that has not seventy-five per centum of its cars in such train having their brakes used and operated by the engineer of the locomotive drawing such train, and all power brake cars in such train shall be as-

sociated together and have their brakes used and operated. The commissioner of railroads and telegraphs, or any board or railroad commission, which may by law assume the authority and perform the duties of the commissioner of railroads and telegraphs, may from time to time, after full hearing and for good cause shown, increase the minimum percentage of cars in any train required to be operated by power or train brakes and failure to comply with any such requirement of said commissioner, or commission, shall be subject to a like penalty as failure to comply with any requirement of this act.

Automatic couplers.

SECTION 2. That it shall be unlawful for any such common carrier to haul, or permit to be hauled or used on its line, any locomotive, car, tender, or similar vehicle used in moving state traffic, not equipped with couplers coupling automatically by impact, and which can be uncoupled, without the necessity of men going between the ends of the cars.

Grab irons.

SECTION 3. That it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any locomotive, car, tender, or similar vehicle used in moving state traffic, not provided with secure grab irons or handholds in the sides and ends thereof; each and every car used in the movement of state traffic shall be provided with secure sill steps on each end of each side thereof.

Drawbars.

SECTION 4. That it shall be unlawful for any such common carrier to use any locomotive, tender, car, or similar vehicle used in the movement of state traffic, that is not provided with drawbars of the standard height, to-wit, standard gauge cars, 34½ inches; narrow gauge cars, 26 inches, measured perpendicular from the level of the tops of the rails to the centers of the drawbars; the maximum variation from such standard heights between drawbars of empty and loaded cars shall be three inches.

SECTION 5. That any such common carrier may refuse to receive from connecting lines or from any shipper any car not equipped in accordance with the foregoing sections of this act.

Penalty for failure to comply with this act.

SECTION 6. That any such common carrier using or permitting to be used or hauled on its line any locomotive, tender, car, or similar vehicle, or train, in violation of any of the provisions of this act shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the prosecuting attorney in the common pleas court of the county having jurisdiction in the locality where such violation shall have occurred; and it shall be the duty of such prosecuting attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall be the duty of the commissioner of railroads and telegraphs, or any board or railroad commission, which may by law assume the authority and perform the duties of the commissioner of railroads and telegraphs, to lodge with the proper prosecuting attorneys information of any such vio-

lations as may come to its knowledge: provided, that nothing in this act contained shall apply to locomotives, tenders, cars, or trains, exclusively used in the movement of logs, and when the height of the drawbars on such locomotives, tenders and cars does not exceed 25 inches, or to street cars, or to locomotives, tenders, cars, similar vehicles, or trains, while any of which are in actual use in interstate commerce.

Additional penalty; contributory negligence.

SECTION 7. That any employee of any such common carrier who may be killed or injured by any locomotive, tender, car, similar vehicle, or train, in use contrary to the provisions of this act, shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, tender, car, similar vehicle, or train had been brought to his knowledge, nor shall such employee be held to have contributed to his injury in any case where the carrier shall have violated any provision of this act, when such violation contributed to the death or injury of such employee.

Extension of time.

SECTION 8. The commissioner of railroads and telegraphs, or any board or railroad commission, which may by law assume the authority and perform the duties of the commissioner of railroads and telegraphs, is hereby authorized to grant to any common carriers, upon full hearing and for good cause, a reasonable extension of time in which to comply with the provisions of this act: provided, that in no case shall such extension or extensions in the aggregate exceed the period of one year from the passage of this act.

Repeals.

SECTION 9. That section 1 of an act entitled "An act to require railroad corporations to equip and furnish all cars used in their service with air brakes and automatic couplers and their engines with power brakes," passed April 14, 1893, as amended April 23, 1904, is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 19, 1906.

This bill was presented to the governor, March 20, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[Senate Bill No. 16.]

AN ACT

To amend sections 65, 66 and 67 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith, passed October 22, 1902, as amended April 18, 1904, relating to sprinkling and cleaning of streets.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; assessments:

SECTION 1. That sections 65, 66 and 67 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, as amended April 18, 1904, be amended so as to read as follows:

Sprinkling, sweeping and cleaning of streets.

Ordinance for such purpose.

Sec. 65. Cities and villages shall have authority to sprinkle with water, sweep, and clean any streets or alleys, or parts thereof. All said work may be done by contract, or by and through the officers of such cities or villages. But before said work shall be done by or through the officers of any such city or village, the council thereof shall pass an ordinance authorizing the officer or officers having the care of streets and alleys to purchase or rent the necessary tools, machinery and appliances, to employ the necessary labor, and to do said work. In cities, the board of public service may appoint two electors, owners of real estate abutting on each street or alley, or part thereof, who shall act as commissioners for such street or alley, or part thereof, and who shall serve without compensation. Said commissioners shall be appointed for the term of five years, or until their successors are appointed, and any vacancy may be filled by said board of public service by the appointment of some qualified person. Said commissioners shall within ten days after such appointment, and in each year thereafter at such time as the board of public service may require, file with the board of public service a written statement of the sprinkling with water, sweeping, or cleaning, that in their opinion will be necessary to be done upon such street or alley, or part thereof, within any period between the first day of January and the thirty-first day of December of the year for which such statement shall be filed; and said board of public service, from the statements so filed and from such other information as may come to their knowledge, or upon failure of said commissioners to file such statement, may determine and recommend to the council, as provided in the

Appointment of commissioners to determine and recommend amount of work necessary to be done on streets within a year.

next section, what work is necessary to be done, upon said streets or alleys, or parts thereof, within any such period.

Ordinance for sprinkling, sweeping, cleaning streets, etc.

Sec. 66. The council of any city upon the recommendation of the board of public service, or the council of any village, may provide by ordinance for such sprinkling with water, sweeping, or cleaning of said streets or alleys, or parts thereof. For the purpose of carrying out the provisions of this section and of the next preceding section, one ordinance may be made to include one or more streets or alleys, or parts thereof, and one or more of the powers granted by this section and the next preceding section. Notice of the passage of said ordinance shall be given the owners of lots and lands to be assessed for the payment of the cost and expense of the work provided for in said ordinance by publishing said ordinance, at least once, in some newspaper published and of general circulation within the corporation and no other or further notice shall be required.

Notice.

Assessment of cost and collection thereof.

Sec. 67. The entire cost and expense connected with any work in any year authorized in the next two preceding sections, except as provided in this section, whether done by contract, or by and through the officers of said cities or villages, may, by ordinance, be assessed upon the abutting or other specially benefited property, and by any one of the methods mentioned in section 50 of said act. The assessments so levied may be collected in one installment in the manner provided in the case of assessments for street improvements; provided, however, that the council may, if it deem expedient, levy and collect said assessments, at any time, before or after the completion of said work. The said assessing ordinance may be made to include the property abutting upon any one or more streets or alleys, or parts thereof, and one or more of the powers granted in the next two preceding sections. Bonds, notes or certificates of indebtedness may be issued and sold before or after doing such work in anticipation of the levy or collection of said assessments, and may be authorized and provided for in the assessing ordinance, or in a separate ordinance, provided, that no publication of the said assessing ordinance or of the said ordinance authorizing and providing for such notes, bonds or certificates of indebtedness shall in any case be required. No part of the cost and expense connected with said work shall be paid by the city or village, except that when the whole or any portion of any street or alley upon which said work shall be done passes by or through a public wharf, market space, park, cemetery, structure for the fire department, waterworks, school building, infirmary, market building, workhouse, hospital, house of refuge, gas works, public prison, or any other public structure or public grounds within and belonging to the corporation, and except as provided in section 53 of this act, the council may authorize the proper proportion of the estimated cost and expense of the said work to be certified by the clerk of the corporation

Bonds may be issued and sold.

City may pay part of cost.

to the county auditor and entered upon the tax list of all taxable real and personal property in the corporation, and the same shall be collected as, and in addition to, all other taxes. The right of the city or village to levy said assessments shall not be affected by the tax valuation of the property to be assessed or by the amount of assessments theretofore levied upon said property.

Repeals.

SECTION 2. That said original sections 65, 66 and 67 of said act, as amended April 18, 1904, be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 20, 1906.

This bill was presented to the governor, March 21, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
48G

[House Bill No. 95.]

AN ACT

To amend section 2 of an act entitled, "An act to provide for admission of the Ohio soldiers' and sailors' home, with provisions for removal of inmates becoming insane or imbecile or improperly admitted, to define and provide penalties for certain misdemeanors, to provide for bond of quartermaster and to provide for such inspection and supervision of said home as any act of congress may require," passed February 19, 1892.

Be it enacted by the General Assembly of the State of Ohio:

Soldiers' and sailors' home:

SECTION 1. That section 2 of an act entitled, "An act to provide for admission to the Ohio soldiers' and sailors' home, with provisions for removal of inmates becoming insane or imbecile or improperly admitted, to define and provide penalties for certain misdemeanors, to provide for bond of quartermaster and to provide for such inspection and supervision of said home as any act of congress may require," passed February 19, 1892, be amended to read as follows:

Insane person ineligible; transfer to asylum.

Sec. 2. No insane person shall be admitted to said home, and provided that if any member of said home shall become insane and be so adjudged by the probate judge of the county of Erie, such insane person shall be transferred to the asylum for the insane in the district where he formerly

resided, the expense of so adjudging him insane and so moving him to the asylum, and clothing him while there, to be borne by said home; provided further, if any insane person through misrepresentation as to his condition shall be sent to said home, he shall be returned to the county whence he came and the expense of such return be borne by the county whence he came; and in no case shall any portion of the expense involved in the care, transfer and treatment of the insane be borne by the county of Erie save in the case the person adjudged insane was insane at the time he was admitted and was then a resident of Erie county, and the quartermaster of said home or an officer of said home, designated by said quartermaster shall be appointed by the probate judge of said county of Erie to transfer such insane person to the asylum.

Expenses of inquest, removal and clothing.

Return of person admitted through misrepresentation.

Liability of Erie county for expenses.

SECTION 3. That said original section 2 is hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 19, 1906.

This bill was presented to the governor, March 20, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
49G

[House Bill No. 42.]

AN ACT

To amend sections 4403c and 4403f of the Revised Statutes of Ohio, relating to the practice of medicine and surgery in the state of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4403c and 4403f of the Revised Statutes of Ohio be amended to read as follows:

Physicians, dentists, druggists, etc.:

Sec. 4403c. No person shall practice medicine, surgery or midwifery in any of its branches in the state of Ohio, without first complying with the requirements of this act. All persons authorized and entitled prior to July 1, 1900, to practice medicine, surgery, or midwifery in the state of Ohio, under and by virtue of the provisions of an act, entitled, "An act to regulate the practice of medicine in the state of Ohio," passed February 27, 1896, to which this act

Requirements for practice of medicine, surgery or midwifery.

To whom the provisions of this act do not apply.

is amendatory, may engage in such practice, and shall be subject to the law regulating the same; all other persons desiring to engage in such practice in this state, shall apply to the state board of medical registration and examination for a certificate, and submit to the examination hereinafter provided, except that all medical students who were on January 1, 1900, matriculated in any medical college in the state of Ohio, recognized by the state board of medical registration and examination of Ohio, and who shall have graduated subsequent to January 1, 1900, and who shall file their diplomas for registration prior to July 1, 1904, shall receive certificates under the provisions of the act of February 27, 1896, to which this act is amendatory. The applicant shall file with the secretary of the board a written application on a form prescribed by the board, verified by oath, and furnish satisfactory proof that he is more than twenty-one years of age, and is of good moral character. In the application, as a condition of admission to the examination, he shall produce either of the following credentials: a diploma from a reputable college granting the degree A. B., B. S., or equivalent degree; a diploma from a normal school, high school or seminary, legally constituted, issued after four years of study; a teacher's permanent or life certificate; a medical student's certificate issued upon examination by the state board; a student's certificate of examination for admission to the freshman class of a reputable literary or scientific college; or a certificate of his having passed an examination conducted under the direction of the state board of medical registration and examination by certified examiners, none of whom shall be either directly or indirectly connected with a medical college; said examination to be held simultaneously in Cincinnati, Cleveland, Columbus and Toledo, and the questions submitted to be uniform at such places; and has either received a diploma from some legally chartered medical institution in the United States in good standing at the time of issuing such diploma, as defined by the board; or a diploma or license approved by the board, which has conferred the full right to practice all branches of medicine or surgery in some foreign country. With the application, the applicant shall present his diploma or license, as above defined, and accompanying the same, shall file his affidavit duly attested, stating that he is the person named in the diploma or license, and is the lawful possessor of the same, and giving his age, residence, the college or colleges at which he obtained his medical education, the time spent in each college, the time spent in the study of medicine, and such other facts as the board may require; if engaged in the practice of medicine, the applicant shall state the period during which, and the place at which, he has been engaged in the practice of medicine or surgery. If the board shall find that the applicant has obtained any one of the credentials heretofore defined, as a condition of his admission to the examination, and shall find his diploma to be genuine, and from a legally chartered medical institution in the United States

Applicant to file application with state board of medical registration and examination.

Conditions of admission to examination.

in good standing as determined by the board; or shall find the license to be genuine, and such as to confer upon the applicant the full right to practice all branches of medicine or surgery in the foreign country in which he obtained it, and of a standard approved by the board; and shall find the person named in the diploma or license is the person holding and presenting the same, and is of good moral character, the board shall admit such applicant to an examination. All examinations shall be conducted under the rules formulated by the board. Each applicant shall be examined in anatomy, physiology, pathology, chemistry, materia medica, and therapeutics, the principles and practice of medicine, surgery, obstetrics, and such other subjects as the board may require. The applicant shall be examined in the materia medica and therapeutics and the principles and practice of medicine, of the school of medicine in which he desires to practice, by the member or members of the board representing such school. If an applicant passes an examination satisfactory to the board, and has paid the fee as hereinafter provided, it shall issue its certificate to that effect, signed by its president and secretary, and attested by its seal which, when left with the probate judge for record, as hereinafter required, shall be conclusive evidence that its owner is entitled to practice medicine or surgery in this state. The board may refuse to grant a certificate to any person guilty of fraud in passing the examination, or guilty at any time of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice medicine or surgery; and may, after notice and hearing, revoke a certificate for like cause or causes. An appeal may be taken from the action of the board, refusing to grant or revoking a certificate, for such causes, to the governor and attorney-general, and the decision of these officers, either affirming or overruling the action of the state board, shall be final. An affirmative vote of not less than five members shall be required to authorize the issuance of a certificate. The fee for an examination shall be twenty-five dollars, which shall not be returned in case of a failure to pass such examination, but the applicant may, within a year after such failure, present himself and be examined again without the payment of an additional fee. All fees shall be paid in advance to the treasurer of the board, and by him covered into the state treasury, to the credit of a fund which is hereby appropriated for the use of the state board of medical registration and examination. The compensation and expense of members and officers of the board, and all expenses proper and necessary in the opinion of the board, to discharge its duties and enforce the law, shall be paid out of said fund, upon warrant of the auditor of state, issued upon requisition signed by the president and secretary of the board. Provided, that nothing contained in this section shall be construed to compel any person holding or obtaining, prior to July 1, 1900, a certificate from the board, under the act of February 27, 1896, entitled, "An act to regulate

Examination; how conducted; on what subjects.

Successful applicant to receive certificate.

When board may refuse to grant certificate.

Appeal.

Vote for issuance of certificate; fees.

Compensation and expenses of board.

When board may dispense with examination.

the practice of medicine in the state of Ohio," entitling such person to practice medicine or surgery in this state, or any medical student who was matriculated on January 1, 1900, in any medical college in the state of Ohio, recognized by the state board of medical registration and examination of Ohio, and who shall have graduated subsequent to January 1, 1900, and who shall file his or her diploma for registration prior to July 1, 1904, to file an application and submit to the examination herein required. Provided, further, that the board may, in its discretion, dispense with an examination, in the case of a physician or surgeon duly authorized to practice medicine or surgery in any other state, territory or the District of Columbia, who may desire to change his residence to and practice his profession in Ohio, and who makes application on a form to be prescribed by the board, accompanied by a fee equal to that required by the state, territory or district from which such physician or surgeon comes, of a physician or surgeon of Ohio who may desire to change his residence to and practice his profession in such state, territory or district, and presents a certificate or license issued by the medical board of such state, territory or the District of Columbia, accorded only to applicants from states, territories and districts whose laws demand qualifications of equal grade with those required in Ohio; but such examination shall not be dispensed with unless under the law and regulations of the state, territory or the District of Columbia, equal rights and privileges are accorded to physicians and surgeons of Ohio, holding the certificate of the board who may desire to remove to, and practice in such state, territory, or the District of Columbia.

Who regarded as practicing medicine, surgery, or midwifery.

Sec. 4403*f*. Any person shall be regarded as practicing medicine or surgery or midwifery within the meaning of this act who shall use the words or letters, "Dr.," "Doctor," "Professor," "M. D.," "M. B.," or any other title, in connection with his name, which in any way represents him as engaged in the practice of medicine or surgery or midwifery, in any of its branches, or who shall prescribe, or who shall recommend for a fee for like use any drug or medicine, appliance, application, operation or treatment of whatever nature, for the cure or relief of any wound, fracture or bodily injury, infirmity or disease. The use of any of the above mentioned words or letters, or titles in such connection, and under such circumstances as to induce the belief that the person who uses them is engaged in the practice of medicine or surgery or midwifery in any of its branches, shall be deemed and accepted as prima facie proof of an intent on the part of such person to represent himself as engaged in the practice of medicine or surgery or midwifery; provided, however, that nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; and this act shall not apply to any commissioned medical officer of the United States army, navy or marine hospital service, in the discharge of his pro-

Emergencies or family remedies; to whom act not applicable.

fessonal duties, nor to any legally qualified dentist when engaged exclusively in the practice of dentistry, nor to any physician or surgeon from another state or territory who is a legal practitioner of medicine or surgery in the state or territory in which he resides, when in actual consultation with a legal practitioner of this state, nor to any physician or surgeon residing on the border of a neighboring state, and duly authorized under the laws thereof to practice medicine or surgery therein, whose practice extends into the limits of this state, when equal rights and privileges are accorded by such neighboring state to physicians and surgeons of Ohio residing on the border of this state contiguous to such neighboring state; provided, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state; nor to any osteopath who shall pass examination in the subject of anatomy, physiology, obstetrics and physical diagnosis in the same manner as is required of other applicants before the state board of medical registration and examination, and who has thereupon received a certificate from the board, which, when filed with the probate judge as is required in the case of other certificates from the board, shall authorize the holder hereof to practice osteopathy in the state of Ohio, but shall not permit him to administer drugs nor to perform major surgery. Provided, that all applicants to practice osteopathy, shall, before being admitted to examination before the state board of medical registration and examination, file with the board, accompanied with the fee of ($25.00) twenty-five dollars, evidence of preliminary education as required by section 4403*c*, and a certificate from the osteopathic examining committee as hereinafter provided, showing: First, that he holds a diploma or a physician's osteopathic certificate from a reputable college of osteopathy as determined by this committee; second, that he has passed examination in a manner satisfactory to the committee in the subjects of pathology, physiological chemistry, gynecology, minor surgery, osteopathic diagnosis, principles and practice of osteopathy. The state board of medical registration and examination shall within thirty days after the passage of this act, appoint upon recommendation of the Ohio osteopathic society, three persons, one for one year, one for two years and one for three years, and their successors to be appointed for three years each, who shall constitute the osteopathic examining committee. Each person so appointed shall file with the state board of medical registration and examination a certificate of the Ohio osteopathic society, a corporation duly organized and existing under the laws of the state of Ohio, setting forth that the person named in the certificate is a graduate of a reputable college of osteopathy; that he has been engaged in the practice of osteopathy in the state of Ohio for at least one year; that he is of good moral character and that he is in good standing in his profession. Any person engaged in the practice of osteopathy in this state at the time of the passage of this act, who holds

Osteopath; examination of.

Conditions of admission to examination.

Osteopathic examining committee; appointment of and term.

Qualifications of members.

Who may practice without examination.

a diploma from a regular college of osteopathy as determined by the committee, and who makes application to the state board of medical registration and examination within thirty days after the passage of this act, upon the payment of a fee of five dollars ($5.00), shall receive a certificate from the board without examination, which, when filed with the probate judge, as required in the case of other certificates from the board, shall authorize the holder thereof to practice osteopathy in the state of Ohio, but shall not permit him to administer drugs nor to perform major surgery. The board may, in its discretion, upon recommendation of the osteopathic committee and the payment by the applicant of a fee of fifty dollars ($50.00) issue certificates without examination to graduates of reputable schools of osteopathy who are of good moral character, and who, for five years or more, have been engaged in the practice of osteopathy in any other state. Any person announcing or advertising himself as an osteopath, who has not complied with the provisions of this act, shall be subject to the penalties provided in section 4403*g*. This committee shall meet at the office of the board at such time as the board may direct whenever there are applications for osteopathic certificates to be acted upon, but shall take no part in the deliberations of the board, and the compensation of its members shall be the same as of members of the board, and shall be paid in the same way.

Penalty for noncompliance with this act.

Repeals.

SECTION 2. That said sections 4403*c* and 4403*f* of the Revised Statutes of Ohio be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 19, 1906.

This bill was presented to the governor, March 20, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 99.]

AN ACT

To amend section 2833 of the Revised Statutes of Ohio, as amended April 22, 1904, providing for the better collection of the per capita tax on dogs.

Be it enacted by the General Assembly of the State of Ohio:

Levying taxes:

SECTION 1. That section 2833 of the Revised Statutes of Ohio be, and the same hereby is, amended so as to read as follows:

Tax on dogs.

Sec. 2833. In the tax list duplicate there shall be collected for the number of and per capita tax on dogs, and in addition to the proper tax on any valuation that may be fixed upon dogs by the owners, which shall be included with the personal property valuation, and taxed therewith, the auditor shall levy one dollar on each male and spayed female dog, and two dollars on each unspayed female dog, which per capita tax shall be levied upon and entered against the real estate upon which said dog is kept or harbored and collected as are other taxes upon real estate and shall constitute a special fund to be disposed of in the payment of sheep claims, as provided in section 4215. And if, after paying all such sheep claims, at the June session of the county commissioners, there remain more than five hundred dollars of such fund, the excess, at such June session, shall be transferred and disposed of as follows: In any county in which there now exists a society for the prevention of cruelty to children and animals, incorporated and organized under chapter 13, title 2, division 2, of the Revised Statutes, and in any county in which no such society now exists, but in which there may be hereafter incorporated and organized such society in accordance with said chapter, title and division, and such societies now existing or which may hereafter be organized, shall have one or more agents appointed in pursuance of said chapter, title and division, all or such portion of such excess as the county commissioners, in their discretion, may deem necessary for the uses and purposes of such society, shall, by order of the county commissioners, upon the warrant of the county auditors, be paid to the treasurer of such society, and any surplus not so transferred shall be transferred to the school fund.

Distribution of tax.

Penalty against assessor for failing to enlist dogs.

SECTION 2. The assessor in assessing property failing to enlist all dogs kept or harbored upon any property shall be subject to a fine of not more than $75.00 nor less than $25.00.

Repeals.

SECTION 3. Said section 2833 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 19, 1906.

This bill was presented to the governor, March 20, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

51G

[House Bill No. 126.]

AN ACT

To amend section 123 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, to provide that meetings of councils shall be open to the public.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; legislative:

SECTION 1. That section 123 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended to read as follows:

Powers of council.

Sec. 123. The powers of council shall be legislative only, and it shall perform no administrative duties whatever and it shall neither appoint nor confirm any officer or employe in the city government except those of its own body, except as may be otherwise provided in this act. All contracts requiring the authority of council for their execution shall be entered into and conducted to performance by the board or officers having charge of the matters to which they relate, and after authority to make such contracts has been given and the necessary appropriation made, council shall take no further action thereon. The council shall not be required to hold more than one regular meeting in each week; and the meetings may be held at such time and place as may be prescribed by ordinance and shall, at all times, be open to the public, and the mayor, or any three members may call special meetings upon at least twelve hours notice to each member, served personally, or left at his usual place of residence.

Regular meetings.

Meetings open to public; special meetings.

Repeals.

SECTION 2. That said original section 123 be and the same is hereby repealed.

FREEMAN T. EAGLESON,
Speaker pro tem of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 22, 1906, and was not signed or returned to the house wherein it origi-

nated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

52G

[House Bill No. 327.]

AN ACT

To make appropriations for the support of the common schools of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and is hereby, appropriated, from any moneys raised or coming into the state treasury for the support of the common schools, for the fiscal year ending November 15, 1906, the sum of two million, two hundred thousand dollars ($2,200,000), to be distributed for that purpose at a rate of one dollar and seventy-five cents ($1.75), for each enumerated school youth; and for the fiscal year ending November 15, 1907, the sum of two million, two hundred fifteen thousand dollars ($2,215,000), to be distributed for that purpose at a rate of one dollar and seventy-five cents ($1.75) for each enumerated school youth; and paid in the manner provided by section 3956 of the Revised Statutes.

Appropriations for the support of the common schools.

FREEMAN T. EAGLESON,
Speaker pro tem of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 22, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 4, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

53G

[House Bill No. 283.]

AN ACT

To fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and to provide for the employment and compensation of their clerks, deputies and assistants.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. All the fees, costs, percentages, penalties, allowances and all other perquisites of whatever kind which by law may now be collected or received as compensation for services by any county auditor, county treasurer, probate judge, sheriff, clerk of courts or recorder, shall be received and collected by all of said officers and each of them for the sole use of the treasury of the county in which they are elect-

All fees, costs, percentages, etc., collected or received by county officers shall be for the use of the county.

ed and shall be held as public moneys belonging to said county and accounted for and paid over as such in the manner hereinafter provided.

Fees to be charged and collected.

SECTION 2. Each probate judge, auditor, treasurer, clerk of courts, sheriff and recorder of this state, shall charge and collect the fees, costs, percentages, allowances and compensation as are now or may hereafter be allowed by law.

Collection of unpaid fees.

Whenever it shall appear from the books to be kept by the probate judge, auditor, treasurer, sheriff, recorder and clerk of the court of common pleas, that there remains due the county and unpaid, for a period of more than one year, any fees, costs, percentages, penalties, or allowances of whatever kind, it shall be the duty of the county commissioners, in conjunction with the prosecuting attorney, to proceed to collect the same in any manner provided for by law, and to pay the amounts so collected into the county treasury to the credit of the general fund of the county.

Annual determination by county commissioners of aggregate sums to be expended by various county officers as compensation of deputies, assistants, clerks, etc.

SECTION 3. On November 20th, 1906, each of the aforesaid officers shall prepare and file with the county commissioners a detailed statement of the probable amount necessary to be expended for deputies, assistants, bookkeepers, clerks and other employes of their respective offices, for the year 1907; together with a sworn statement of the amount expended by them for such assistance for the preceding year; and on the twentieth of each November thereafter shall file a like detailed statement showing in detail the requirements of their offices for the year beginning January 1st, thereafter. The county commissioners shall, not later than five days after the filing of said statement, take up and consider the same, and shall determine and fix an aggregate sum to be expended for the period covered by said statement, for the compensation of all such deputies, assistants, bookkeepers, clerks or other employes of said respective officers, which shall be reasonable and proper, regard being had to the amount of labor necessary to be performed by those to receive the same; and shall enter upon their journal a finding of their said action.

The officers herein named shall appoint and employ such deputies, assistants, clerks, bookkeepers or other employes as may be necessary for their respective offices, and discharge them and fix their compensation, and shall file with the county auditor certificates showing such action; but such compensation shall not exceed in the aggregate for each office the amount so fixed for that office by the commissioners as herein provided. The compensation of all such deputies, assistants, bookkeepers, clerks, and other employes, duly appointed or employed, after being so fixed, shall be paid monthly to those entitled to the same, out of the county treasury, upon the warrant of the county auditor.

No officer shall receive any fee or award for making appointment; penalty.

SECTION 4. No officer shall receive or be paid directly or indirectly any part of the compensation of any deputy, assistant, clerk, bookkeeper or other employee, or any fee or reward for appointing him to such position. Any violation

of the provisions of this section shall be punishable on conviction by a fine of not exceeding five hundred dollars or imprisonment not exceeding one year or both, and by forfeiture of his office.

Full and regular accounts shall be kept of all sums charged up or collected.

SECTION 5. Each of the officers herein named shall keep full and regular accounts, subject at all times to the examination of the county commissioners, or of the judge or judges of the court of common pleas, or of any person or persons appointed for that purpose by said judge or judges, or any person or persons authorized by law to make such examination, or of any other person, of all sums charged up or collected by said officers on account of official fees, costs, percentages, penalties, allowances [and] or other perquisites of whatever kind, and said books of accounts shall be a part of the records of the respective offices named herein, and belong to the county, and shall be transmitted by each county officer to his successor in office.

All fees, etc., collected shall be paid quarterly into county treasury.

SECTION 6. Each of the officers named herein shall at the end of each quarter, pay into the county treasury on the warrant of the county auditor, all fees, costs, penalties, percentages, allowances and perquisites of whatever kind collected by his office during said quarter, for his official services, which moneys shall be kept in separate funds by the county treasurer, and credited to the office from which the same has been returned.

When county commissioners are authorized to transfer funds to county officers' fee funds to make up deficiencies.

SECTION 7. As soon after the passage of this act as the aggregate compensation of the deputies, assistants, bookkeepers, clerks and employes of the various officers is fixed by the commissioners as provided in section 3, and on the first Monday of April, July, October and January, whenever necessary, during one year after this act takes effect, but not thereafter, the said commissioners shall enter an order on their journal transferring to the county officers' fee funds from any other fund or funds of the county in their discretion, such sums as may be necessary to make good any deficiencies in said funds, found by them likely to arise during the next ensuing quarter, in consequence of the payment of the respective officers, deputies, assistants, bookkeepers, clerks, or other employes during such period, from the amounts then in or estimated to come into said funds for said period, derived from said respective offices.

County recorder.

But nothing herein shall authorize any such transfer to be made for the payment of the county recorder or any person appointed or employed by him.

Reimbursement of funds from which transfers were made as above provided; transfer of fee funds to general fund.

At the end of any quarter as fixed herein, the board of county commissioners shall transfer from the county officers' fee funds any amount therein, derived from any of the aforesaid offices, in excess of what is considered necessary to pay the salary and compensation of such respective officer and his deputies, assistants, bookkeepers, clerks or employes, for the next ensuing quarter; and in case any transfer of moneys shall have been theretofore made to said fee funds, the funds from which they were taken shall be fully reimbursed, and

thereafter, or where no such previous transfer has been made, such funds shall be taken from the said fee funds and placed to the credit of the general fund of the county. Such transfers may be made upon the authority of this act alone, any law to the contrary notwithstanding; and from the action of the commissioners thereon an appeal may be taken to the common pleas court by a taxpayer of the county, which shall be heard and determined by said court or a judge thereof within twenty (20) days after being perfected.

Payment of balance of officers' salary when insufficient funds have been collected during year.

SECTION 8. If any probate judge, sheriff, clerk of the common pleas court, or recorder shall not have received the full amount of his salary as provided in this act for any year of his term, but shall, during such year, have earned fees payable to his office in an amount equal to the aggregate of his salary and the compensation paid for that year to his deputies, assistants, bookkeepers, clerks and other employes, he shall be entitled to receive from the proper fee fund, on the allowance of the county commissioners, an amount equal to the difference between his salary for such year paid to him during his incumbency and the salary for that year, as herein fixed, whenever that amount is collected by any successor to him in office from the unpaid fees earned during said year; or if the entire difference be not collected, then he shall receive such part of the same as may be so collected.

How deputies, clerks, etc., paid.

SECTION 9. The deputies, assistants, clerks, bookkeepers, and other employes of each of the offices herein named shall be paid upon the warrant of the county auditor, out of the fees, costs, percentages, penalties, allowances, and all other perquisites or sums of whatever kind collected and paid into the county treasury, or transferred as hereinbefore provided, and credited by said treasurer to the fee fund of each of said offices.

Deputies, clerks, etc., shall give receipts; form of.

SECTION 10. Before the auditor issues a warrant upon the county treasurer to any deputy, assistant, clerk, bookkeeper, or other employe, for his compensation such person shall sign a receipt which shall be in the following form:

No. ....19....

Received of the (here recite the county, or officer, as the case may be) by (here insert the name of party receiving compensation).....dollars, in full for services as (here insert services) for ..... ending..... 19....

I hereby certify that I have rendered the services as herein stated, and that I have received the full sum set forth in the above receipt for my own use and benefit, and that I have not paid, deposited or assigned, nor contracted to pay, deposit or assign, any part of such compensation for the use of any other person, nor in any way directly or indirectly, paid, or given nor contracted to pay or give, any reward or compensation for such position or the emoluments thereof.

(Name of party receiving money.)

And said receipts shall be preserved and filed by the auditor.

Payment of county officers' salaries.

SECTION 11. After deducting from each of the several fee funds herein provided the compensation of all deputies, assistants, clerks, bookkeepers, and other employes, as fixed and authorized herein, each of the county officers herein named shall receive out of the balances in said several fee funds an annual salary, payable monthly upon warrant of the county auditor, as follows:

Salary of auditor.

SECTION 12. Each auditor shall receive one hundred dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Sixty-five dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty-five dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty-five dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty-five dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty-five dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of ninety thousand.

Salary of treasurer.

SECTION 13. Each treasurer shall receive one hundred dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Sixty-five dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty-five dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty-five dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty-five dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the

county, as shown by the last federal census next preceding his election.

Twenty-five dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of ninety thousand.

Salary of probate judge.

SECTION 14. Each probate judge shall receive one hundred dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Sixty-five dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty-five dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty-five dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty-five dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty-five dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of ninety thousand.

Salary of clerk of courts.

SECTION 15. Each clerk shall receive eighty-five dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Sixty dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the coun-

ty, as shown by the last federal census next preceding his election.

Thirty dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of seventy-five thousand.

Salary of sheriff.

SECTION 16. Each sheriff shall receive sixty-five dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty-five dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty-five dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty-five dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty-five dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifteen dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of ninety thousand.

Salary of recorder.

SECTION 17. Each recorder shall receive sixty dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Ten dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal census next preceding his election, in excess of ninety thousand.

Salaries shall be in lieu of fees, etc.; maximum salary.

SECTION 18. And said salaries shall be in lieu of all fees, costs, penalties, percentages, allowances and all other perquisites of whatever kind which any of the officials herein named may now collect and receive, provided, however, that in no case shall such annual salary payable to any of the officers aforesaid exceed the sum of $6,000.00.

Sheriffs' additional compensation.

SECTION 19. The county commissioners shall, in addition to the compensation and salary herein provided, make allowances quarterly to every sheriff for keeping and feeding prisoners under section 1235 of the Revised Statutes, and shall allow his actual and necessary expenses incurred or expended in pursuing or transporting persons accused or convicted of crimes and offenses, in conveying and transferring persons to and from any state asylum for the insane, the institution for feeble-minded youth, Ohio hospital for epileptics, boys' industrial school, girls' industrial home, county homes for the friendless, houses of refuge, children's homes, sanitariums, convents, orphan asylums or homes, county infirmaries, and all institutions for the care, cure, correction, reformation and protection of unfortunates, and all expense of maintaining horses and vehicles necessary to the proper administration of the duties of his office. Every sheriff shall file under oath with the quarterly report herein provided for, a full, accurate and itemized account of all his actual and necessary expenses, mentioned in this section before the same shall be allowed by the county commissioners.

County or officer thereof not liable for payment of compensation in excess of amount herein authorized.

SECTION 20. Nothing in this act shall be so construed as to make any county, or any officer thereof, liable to any of the officers named herein or their deputies, assistants, clerks, bookkeepers, or other employes for the payment of any compensation in excess of the amount herein authorized, or except in the manner herein provided.

No officer shall make reduction, remission, etc., of fees, costs, etc.

SECTION 21. None of the county officers named in this act shall be authorized to make any reduction, abatement, or remission of any fees, costs, percentages, penalties, allowances or perquisites of any kind that it may be their duty to charge and collect as required by law.

Penalty for failure to make report or pay over money; how enforced.

SECTION 22. Whoever, being an officer required, as aforesaid, to file a report and to pay in money to the county treasury, neglects to make such reports or to pay said money, as above directed, or wilfully violates any of the provisions of this act, except as hereinbefore provided, shall upon conviction, upon indictment, in the court of common pleas in the county, be adjudged guilty of misconduct in office, and fined for the use of the county, not more than two thousand dollars; and such conviction shall work an immediate forfeiture of his office. For the payment of such fines and for any amount due as above provided from him in his official capacity, the sureties of such officer shall be liable upon their bond; and the prosecuting attorney of any such county shall collect, in the name of the state, from the treasurer, auditor, recorder, sheriff, probate judge and clerk of the court of common pleas and from their sureties, any and all such penalties and moneys so due from said officers as above provided, and pay the same over to the treasurer of the proper county, for the use of said county. In case the prosecuting attorney [fail] upon the request in writing of any taxpayer, for the period of ten days after such written request, to bring such action above provided for, then it shall be lawful for such taxpayer to institute suit for such purpose in the name of the state; provided that no suit by a taxpayer shall be entertained by any court until such taxpayer, upon motion of the prosecuting attorney shall have given security for the costs of the proceedings. If in said action by a taxpayer, it shall appear that he has just cause to believe his allegations to be true, he shall be allowed his costs and a reasonable compensation for his attorney.

When taxpayer may institute suit.

Repeals, etc.

SECTION 23. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Provided further that this act shall not affect the provisions of section 1231 of the Revised Statutes of Ohio.

When act takes effect.

SECTION 24. This act shall take effect January 1, 1907.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 6, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

54G

[Senate Bill No. 127.]

AN ACT

To amend section 1 of an act passed April 13, 1898, entitled "An act to prevent the abandonment of parents by children."

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 1 of an act entitled "An act to prevent the abandonment of parents by children," passed April 13, 1898, be amended to read as follows:

Abandonment of destitute, infirm or aged parent.

Sec. 1. Any adult person, a resident of this state, having a parent within this state, said parent being destitute of means of subsistence and unable either by reason of old age, infirmity or illness to support himself or herself, who is possessed of, or able to earn means sufficient to provide such parent with necessary shelter, food, care and clothing, and

Penalty.

neglects or refuses so to do, shall, upon conviction be imprisoned in jail or in a workhouse at hard labor, for not more than one year nor less than three months; provided, that if after such conviction and before sentence, such person shall appear before the court in which such conviction shall have taken place and enter into bond with good and sufficient surety to be approved by said court, to the state of Ohio in the penal sum of one thousand dollars, conditioned that he will furnish such parent with necessary and proper shelter, food, care and clothing, the said court shall suspend sentence therein. But nothing herein shall require any person to furnish his or her parent with shelter, food, care or clothing, when it shall appear that such parent abandoned, deserted or willfully refused or neglected to support and maintain such person while the latter was an infant under sixteen years of age.

Repeals.

SECTION 2. That said original section 1 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 6, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[Senate Bill No. 90.]

AN ACT

To prescribe the punishment for refusing to testify before the general assembly or any committee thereof.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That any person who having been duly subpœnaed or ordered to appear before either branch of the general assembly, or before a standing or select committee of the general assembly, or of either branch thereof, shall fail so to do, or having appeared shall refuse to answer any question pertinent to the matter under inquiry or to produce, upon reasonable notice, any books, papers, or documents in his possession or under his control, pertinent to the matter under inquiry, shall be guilty of a misdemeanor and shall upon conviction thereof be fined in any sum not less than one hundred dollars nor more than five thousand dollars.

Penalty for refusing to testify before general assembly or committee thereof.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 6, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

56G

[House Bill No. 24.]

AN ACT

To amend section 1 of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886, as amended February 20, 1896, being section 4364-9, as numbered in Bates' third edition of annotated Ohio statutes as approved by an act passed April 23, 1902, and sections 3 and 5 of said act passed May 14, 1886, as amended March 26, 1888 (Sec. 4364-11 and Sec. 4364-13) and to supplement said section 3 thereof, being section 4364-11 by the enactment of section 3*a* (Sec. 4364-11*a*) and to repeal an act entitled "An act to supplement section 4364-9 of the Revised Statutes of Ohio and to provide for a tax upon and to regulate the business of selling intoxicating liquors upon dining and buffet cars on railroads traversing the state of Ohio," passed May 12, 1902, further providing against the evils resulting from the traffic in intoxicating liquors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors passed May 14, 1886, as amended February 20, 1896, being section 4364-9 as numbered in Bates'

Intoxicating liquors, etc.; "Dow law:"

third edition of Ohio statutes as approved by an act passed April 23, 1902, and sections 3 and 5 of said act passed May 14, 1886, as amended March 26, 1888 (Sec. 4364-11 and Sec. 4364-13), be and the same are hereby amended, and that section 3 of said act of May 14, 1886 (4364-11) be supplemented by adding section 3*a* (Sec. 4364-11*a*) to read as follows:

Tax on liquor business.

Sec. 1. (Sec. 4364-9.) Upon the business of trafficking in spirituous, vinous, malt or other intoxicating liquors, there shall be assessed yearly, and shall be paid into the county treasury, as hereinafter provided, by every person, corporation, or copartnership engaged therein, and for each place where such business is carried on by or for such persons, corporation, or copartnership, the sum of one thousand dollars.

Tax for part of year; refunding orders.

Sec. 3. (Sec. 4364-11.) That when such business shall be commenced in any year after the fourth Monday in May said assessment shall be proportionate in amount to the remainder of the assessment year, except that it shall be in no case less than two hundred dollars, and the same shall attach and operate as a lien as provided in section 2 of said act of May 14, 1886, and be payable upon the date of such commencement and whenever any person, corporation or copartnership, engaged in such business who has been assessed as aforesaid, and who has paid the full amount of said assessment discontinues such business, the county auditor upon being satisfied of that fact, shall issue to such person, corporation or copartnership a refunding order for a proportionate amount of said assessment, so paid, but in no case shall the amount of such assessment retained be less than two hundred dollars.

Application of Dow law to railway companies operating buffet cars.

Sec. 3*a*. (4364-11*a*.) That each railway corporation, which shall maintain or conduct dining or buffet cars upon any of its trains or shall permit the same to be maintained or conducted, in which spirituous, vinous, malt or other intoxicating liquors are dispensed, within the state of Ohio, shall annually be assessed by the auditor of state and shall pay into the state treasury on or before the 10th day of June, the sum of one thousand dollars, when such railway corporation maintains, operates or controls not to exceed two hundred miles of railway within this state, and the sum of fifteen hundred dollars, when such railway corporation maintains, operates or controls over two hundred miles of railway within this state, and in case of the neglect or refusal of any such railway company, so assessed as aforesaid, to pay said assessment when due, it shall be liable for such assessment, together with a penalty of fifty per cent. in addition thereto, to be recovered in an action brought in the name of the state of Ohio by the attorney-general against such railway corporation in any court of record, in any county of the state in which a line or lines of such railway corporation run.

Assessors returns; penalties.

Sec. 5. (4364-13.) That every assessor shall return to the county auditor, with his other returns a statement upon a blank to be furnished by such auditor for that pur-

pose, as to every place within his jurisdiction where such business is conducted, showing the name of the person, corporation, or copartnership engaged therein, a brief and accurate description of the premises where the same is conducted, and by whom owned; said statement shall be signed and verified before such assessor by such person, corporation or copartnership. And if such person, corporation or copartnership shall, on demand, refuse or fail to furnish the requisite information for such statement, or to sign or verify the same, such fact shall be returned by the assessor, and thereupon such assessment on said business shall be fifteen hundred dollars. And if any assessment aforesaid shall not be paid when due, there shall be added a penalty thereto of twenty per centum which shall be collected therewith.

Repeals.

SECTION 2. That section 1 of said act of May 14, 1886 (4364-9), entitled "An act providing against the evils resulting from the traffic in intoxicating liquors, as amended February 20, 1896, and sections 3 and 5 of said act passed as amended March 26, 1888 (Sec. 4364-11 and Sec. 4364-13) and the act of May 12, 1902, entitled "An act to supplement section 4364-9 of the Revised Statutes of Ohio and to provide for a tax upon and to regulate the selling of intoxicating liquors upon dining and buffet cars or railroads traversing the state of Ohio" be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 28, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 10, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
57G

[House Bill No. 547.]

AN ACT

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1906, and for the first quarter of the fiscal year ending February 15, 1907.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1906 and 1907.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

General appropriations for 1906 and 1907.

ADJUTANT GENERAL'S DEPARTMENT.

Contingent expenses and inspections	$2,250 00
Transportation indigent soldiers	400 00
Furniture and repairs	100 00

STATE HOUSE AND GROUNDS.

Salaries of five firemen	$3,120 00
Salaries of ten regular laborers	4,760 00
Extra labor and carpenter	1,375 00
Electric current for light and power for state house	7,000 00
Care and repair heating apparatus	500 00
Fuel for state house	4,000 00
Flags for state house	100 00
Material and repairs	1,500 00

OHIO NATIONAL GUARD.

Transportation, subsistence, pay O. N. G., care military stores and freight, and incidental expenses of camp	$175,700 00
Horse hire, forage, fuel, lumber, straw and medical supplies	7,000 00
Incidental expenses of military companies	20,000 00
Uniforms, overcoats, blankets and equipments	5,000 00
Tents and repairs	400 00
Repair and improvement state arsenal	2,000 00
Rent of armories	82,800 00
Any unexpended balance of armory rent funds in the hands of any commanding officer shall be turned over to the treasurer of the organization and accounted for by said treasurer as other funds of the organization.	
Improvement of state camp grounds	1,000 00

AGRICULTURAL EXPERIMENT STATION.

Expenses board of control	$600 00
Bulletin publication	5,500 00
Special work in entomology, botany, chemistry and horticulture	11,500 00
Substations for field experiments	6,200 00
General repairs and supplies	9,500 00
Special work in animal husbandry	5,500 00
Library equipment and care	400 00
General construction	4,000 00
For southeastern Ohio test farm	1,000 00
Forestry investigations	5,000 00
For co-operative experiments	3,500 00

STATE BOARD OF AGRICULTURE.

Encouragement of agriculture	$21,000 00
For the suppression and prevention of diseases among live stock, as provided by law	3,000 00
Ordinary repairs and improvements on state fair grounds	2,000 00
Division of horticulture	1,500 00
Bonds due September 1, 1906	20,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Expenses of society	$1,950 00
Field work, Ft. Ancient and Serpent Mound	1,250 00
Publications	2,800 00

ATTORNEY-GENERAL'S DEPARTMENT.

Fees on collections	$1,200 00
Stenographic work	400 00
Books and furniture	500 00
Contingent expenses	2,125 00
Allowance by state to pay costs in cases brought by state	750 00
Special counsel	17,500 00

AUDITOR OF STATE.

Contingent expenses	$3,000 00
Carpets and furniture	250 00
Traveling expenses	750 00

COMMISSIONER OF COMMON SCHOOLS.

Traveling expenses of commissioner	550 00
Per diem and expenses of state board of examiners	750 00
School book commission	250 00
Boxing and shipping	300 00
Distribution of school laws	100 00
Contingent expenses	1,200 00
Publication and distribution Arbor day annual	500 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$25,000 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Contingent expenses	$550 00
Office furniture and repairs	60 00

DAIRY AND FOOD COMMISSIONER.

Expenses of commissioner	$450 00
Expenses of two assistant commissioners	1,100 00
Inspection, analyses and publication	23,000 00

General appropriations for 1906 and 1907.

Contingent expenses	1,700 00
Traveling expenses of liquor tax inspectors	4,550 00
Contingent expenses for collection liquor tax	700 00
Carpets, furniture and repairs	50 00
Library	100 00

EXECUTIVE DEPARTMENT.

Contingent expenses, including newspapers	$1,800 00

STATE BOARD OF APPRAISERS AND ASSESSORS.

Contingent expenses	$900 00

STATE BOARD OF ARBITRATION.

For per diem and expenses of members	$3,200 00

BOARD OF STATE CHARITIES.

Expenses of board	$650 00
Expenses of secretary	450 00
Contingent expenses	1,150 00

BOARD OF HEALTH.

Expenses of board	$17,000 00

BOARD OF PUBLIC WORKS.

Salaries of members	$1,800 00
Salaries of members as superintendents of canals	4,500 00
Traveling expenses of members	1,350 00
Salaries of two engineers	3,700 00
Salary of secretary	1,125 00
Salary of clerk	525 00
Contingent expenses	1,075 00
For maintenance and repairs of the Miami and Erie canal, all of its earnings and balances.	
For rebuilding the Miami and Erie canal, north of Dayton	50,000 00
For maintenance and repairs of the southern division of the Ohio canal, all of its earnings and balances, and	20,000 00
For maintenance and repairs of the northern division of the Ohio canal, Cleveland to Dresden, and the Walhonding canal, all of its earnings and balances, and	25,000 00
Reconstruction northern division of Ohio canal, Cleveland to Dresden, balances and receipts and	100,000 00
Reconstruction of southern division of Miami and Erie canal, Dayton to Cincinnati	100,000 00

General appropriations for 1906 and 1907.

DEPARTMENT OF STATE.

Distribution of books	$2,250 00
Contingent expenses	2,750 00
Furniture and repairs	300 00
Stationery	9,500 00

EXAMINER OF STEAM ENGINEERS.

Traveling expenses	$5,500 00
Contingent expenses	1,800 00
Office rent in Cleveland and Cincinnati	500 00
Card system	665 00
Extra clerk hire	720 00
Furniture and carpets	800 00

FISH AND GAME COMMISSION.

Expenses of commission	$9,000 00
Maintaining patrol boat	5,000 00
State fish hatcheries and improvements to same.	5,000 00

BUREAU OF LABOR STATISTICS.

Traveling expenses of commissioner	$500 00
Contingent and traveling expenses	8,000 00
Furniture, repairs and advertising	250 00

INSPECTOR OF MINES.

Traveling expenses of chief inspector	$450 00
Traveling expenses of seven district inspectors.	3,400 00
Contingent expenses	1,100 00
Carpets and furniture	300 00

INSPECTOR OF WORKSHOPS AND FACTORIES.

Traveling expenses of chief inspector	$350 00
Traveling expenses of thirteen district and two bakeshop inspectors	5,750 00
Contingent expenses	1,100 00
Office rent in Cleveland and Cincinnati	300 00
Carpets, repairs and furniture	200 00

JUDICIARY.

Salaries of judges	$370,000 00
Expenses of common pleas judges	10,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory, and boys' industrial school	$95,000 00

General appropriations for 1906 and 1907.

OHIO STATE LIBRARY.

Books and papers	$2,750 00
Contingent expenses and extra labor	1,350 00
Four library assistants	400 00
For traveling library	7,200 00
Expenses of commission	425 00
Carpets, furniture and repairs	500 00

SUPERINTENDENT OF INSURANCE.

Contingent expenses	$1,700 00
Salaries of extra clerks	1,900 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	1,900 00
Furniture, carpets and repairs	200 00

All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state.

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Traveling expenses of inspector, deputy inspector and examiners	$3,520 00
Contingent expenses	750 00
Furniture, carpets and repairs	100 00

SUPERVISOR OF PUBLIC PRINTING.

State printing	$30,000 00
State bindery	17,500 00
Contingent expenses	150 00

SUPREME COURT AND LAW LIBRARY.

Contingent expenses, furnishings and repairs	$1,800 00
Books and legal publications for law library	2,500 00

Provided that moneys appropriated for the supreme court and law library shall be drawn upon a requisition on the auditor of state approved by the marshal of the supreme court.

CLERK OF THE SUPREME COURT.

Contingent expenses	675 00
Steel file cases	3,000 00

TREASURER OF STATE.

Contingent expenses	$1,400 00
Collecting auditor of state's drafts	500 00
Carpets, furniture and repairs	150 00

STATE HIGHWAY DEPARTMENT.

Salary of assistant highway commissioner.....	$1,500 00
Traveling expenses of assistant highway commissioner	500 00
Contingent expenses and clerk hire	800 00
Furniture and carpets	400 00
For state aid in road building	150,000 00
To be expended for the construction of roads as set forth in "An act to establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation, in the permanent improvement of the public highways," passed April 18, 1904, (O. L., vol. 97, page 523), and no part of this appropriation to be used to pay any salaries or expenses of officers.	

LEGISLATURE.

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes	$15,000 00
For salaries of members for 1907	94,800 00
For chief clerks of the senate and house of representatives, twelve hundred ($1,200.00) dollars each for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars to each shall be fully paid, twenty-four hundred	2,400 00
Steel case for records for house clerk	400 00
Expenses of legislative committees	3,000 00
Contingent expenses of senate	1,000 00
Contingent expenses of house	3,000 00

General appropriations for 1906 and 1907.

Contingent expenses of senate clerk	350 00
Contingent expenses of house clerk	350 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house, offices of the clerks of the senate and house, and committee rooms, after the adjournment of the general assembly in the spring of 1906, and taking care of the same until January, 1907, and for taking care of the bill books and other property of the members, as requested by them, one thousand two hundred ($1,200.00) dollars, to be paid at the rate of one hundred and fifty dollars per month, on the warrant of the auditor of state	1,200 00
For employment of laborers by the said Frederick Blankner, in the performance of the foregoing duties at the rate of two dollars per day when by him necessarily employed, eight hundred ($800.00) dollars, to be paid to said laborers on the warrant of the auditor of state	800 00
For contingent expenses for care both houses..	900 00

OHIO PENITENTIARY.

Current expenses $140,000 00	
Salaries of officers	28,160 00
Salaries of guards	74,000 00
Manufacture of gas, electricity and improvement of lights	3,840 00
Rewards to discharged convicts	10,000 00
Ordinary repairs and improvements	15,000 00
Expenses of execution	500 00
Religious services and library	1,000 00
Sewerage and waterworks	1,200 00
Furniture and carpets	500 00

OHIO STATE REFORMATORY.

Current expenses	$63,000 00
Salaries of officers	18,000 00
Salaries of guards	36,000 00
Rewards outgoing prisoners	5,000 00
Ordinary repairs and improvements	6,000 00
Construction of cells	10,000 00
Furniture and carpets	500 00

ATHENS STATE HOSPITAL.

Current expenses $155,000 00	
Salaries of officers and trustees' expenses.....	7,000 00
Ordinary repairs and improvements	13,000 00
Furniture and carpets	2,500 00
Paving and grading roads and walks.....	1,000 00

CLEVELAND STATE HOSPITAL.

Current expenses	$180,000 00
Salaries of officers and trustees' expenses	7,800 00
Ordinary repairs and improvements	13,000 00
Furniture and carpets	2,500 00
Cold storage plant and machinery	10,000 00
Sewer on Turney avenue	4,030 00

COLUMBUS STATE HOSPITAL.

Current expenses	$215,000 00
Salaries of officers and trustees' expenses	8,800 00
Ordinary repairs and improvements	22,000 00
Furniture and carpets	2,500 00

DAYTON STATE HOSPITAL.

Current expenses	$135,000 00
Salaries of officers and trustees' expenses	7,500 00
Ordinary repairs and improvements	13,000 00
Carpets, furniture, beds and bedding	4,000 00
Dairy barn	5,000 00
Purchase of house and lot	1,400 00

LIMA STATE HOSPITAL.

For purchase of land	$62,500 00

LONGVIEW HOSPITAL, CARTHAGE, OHIO.

Current expenses	$155,000 00

MASSILLON STATE HOSPITAL.

Current expenses	$160,000 00
Salaries of officers and trustees' expenses	8,500 00
Ordinary repairs and improvements	8,000 00
Grading and cement walks	1,500 00
Furniture and carpets	1,000 00
Pipe, pipe covering, electric wiring and fixtures.	2,000 00
Addition to laundry and machinery for same..	2,000 00
Cow barn and piggery	2,000 00
Purchase of land	30,000 00

OHIO STATE SANATORIUM.

For construction of buildings	$75,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$185,000 00
Salaries of officers and trustees' expenses	8,900 00
Ordinary repairs and improvements	18,000 00

General appropriations for 1906 and 1907.

Carpets and furniture	4,000 00
Porches for cottages and wards	3,000 00
Fans and motors	1,750 00
Remodeling cottages	4,500 00
Telephone system	2,000 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$90,000 00
Salaries of officers and teachers and trustees' expenses	25,000 00
Ordinary repairs and improvements	10,000 00
Rewards	800 00
Furniture and carpets	2,500 00
Extension of steam heating and electric lines	3,000 00
Machinery and equipment	1,500 00

GIRLS' INDUSTRIAL HOME.

Current expenses	$32,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	16,000 00
Ordinary repairs and improvements	8,000 00
Furniture and carpets	1,500 00
Toilet and bath rooms	4,000 00
Extended industrial training	500 00
Building and furnishing new cottage	30,000 00
Cold storage room and ice house	3,500 00

STATE SCHOOL FOR THE BLIND.

Current expenses	$52,000 00
Salaries of officers and teachers and trustees' expenses	17,000 00
Ordinary repairs and improvements	8,000 00
Pianos and school apparatus	2,000 00
Furniture and carpets	6,000 00
Oculist and oculist's supplies	850 00
Industrial department	5,000 00

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

Current expenses	$66,000 00
Salaries of officers and teachers and trustees' expenses	35,000 00
Ordinary repairs and improvements	11,500 00
Foremen, supplies and industrial pursuits	6,000 00
Lumber and nails for boxes	1,100 00
Furniture and carpets	800 00
Dynamo, engine and electrical apparatus	2,500 00
Hospital building and purchase of land	30,000 00

General appropriations for 1906 and 1907.

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Current expenses	$150,000 00
Salaries of officers and teachers and trustees' expenses	16,500 00
Ordinary repairs and improvements	27,000 00
Furniture and carpets	2,500 00

All unexpended balances of building appropriations be and the same are here reappropriated for construction purposes.

SOLDIERS' AND SAILORS' HOME.

Current expenses and clothing, balances, amount received from the general government, and	$70,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	7,000 00
Furniture, carpets, beds and bedding	1,200 00
Grading roadways and grounds	500 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$95,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	28,320 00
Ordinary repairs and improvements	12,000 00
Industrial pursuits	9,000 00
Salaries of foremen and instructors	10,500 00
Net earnings	2,000 00
Religious services, amusements, library and pictures	1,500 00
Furniture and carpets	2,000 00
Support of orphans outside	3,500 00
Fire plugs and fire hose	1,000 00

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, WIDOWS, MOTHERS, AND ARMY NURSES.

For maintenance	$12,500 00
Ordinary repairs and improvements	1,500 00
For installation of gas lighting plant and maintenance	1,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$178,000 00
Salaries of officers and trustees' expense	9,500 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	2,500 00
Road construction and drainage	2,500 00
Enlargement and altering of Wade cottage	3,750 00
For purchase of land	1,400 00

General appropriations for 1906 and 1907.

MISCELLANEOUS.

There is hereby appropriated the sum of three thousand eight hundred and fifty dollars, and balances and receipts, the same to be expended as provided in an act passed April 12, 1889, entitled, "An act to provide for the extension of the geological survey of the state,"	$3,850 00
For co-operation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of twenty-five thousand dollars	25,000 00
To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.	
For painting portrait of Governor Herrick	500 00

MIAMI UNIVERSITY.

For maintenance of Miami university	$40,000 00
For central heating plant	25,000 00

OHIO STATE UNIVERSITY.

For land and improvement for the college of agriculture	$45,000 00
For buildings for the college of agriculture	30,000 00
For purchase of live stock	10,000 00
Equipment for chemistry building	16,000 00
Equipment for physics building	10,000 00
Equipment for school of mines building	17,500 00
Equipment for civil engineering	6,000 00
Equipment for architecture	5,000 00
For a woman's dormitory building	60,000 00

OHIO UNIVERSITY.

Ewing hall bonds	$5,000 00
One year's interest on $40,000 Ewing hall bonds	2,000 00
Women's dormitory	40,000 00
Equipment of women's dormitory	5,000 00
Plans for such dormitory to be approved by and building to be erected as is provided by law governing the erection of public buildings in the state of Ohio.	

THE COMBINED NORMAL AND INDUSTRIAL DEPARTMENT OF WILBERFORCE UNIVERSITY.

Current expenses	$4,000 00
Industrial departments	3,850 00
Seating and furnishing industrial building and assembly hall	3,150 00
Teachers' building	2,400 00
Cement walks	1,700 00
Water reservoir	500 00
Gas piping	600 00

JAMESTOWN EXPOSITION

construction of buildings, maintenance and expenses	$75,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1906, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be paid out of appropriation for contingent expenses; no bills for carpets or furniture shall be paid out of the appropriations made for current expenses of benevolent, penal or educational institutions. No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution. No money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service; and all institutions, boards, commissions, and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all receipts and expenditures, as may be required by such auditor. And such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks while drawing

salaries from the state shall be allowed from any amount herein appropriated.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

58G

[Senate Bill No. 55.]

AN ACT

To amend sections 4151, 4152 and 4153 of the Revised Statutes of Ohio, and to amend section 1 of the act of May 4, 1885 (82 v. 238), entitled "An act to regulate conditional rates and sales of personal property, and to provide for filing instruments pertaining to the same, with certain officers and making a violation thereof a misdemeanor."

Be it enacted by the General Assembly of the State of Ohio:

Conveyances and incumbrances:

SECTION 1. That sections 4151, 4152 and 4153 of the Revised Statutes of Ohio be amended to read as follows:

Chattel mortgages; where to be deposited.

Sec. 4151. The instruments mentioned in the last section shall be deposited with the county recorder of the county where the mortgageor resides at the time of the execution thereof, if a resident of the state, and if not such resident, then with the county recorder of the county in which the property so mortgaged is situated at the time of the execution of the instrument.

Duty of recorder upon the filing thereof.

Sec. 4152. The officer receiving [any] such instrument shall indorse thereon the time of receiving it and its consecutive number, and enter in a book to be provided by the county the names of all parties thereto, alphabetically arranged, with the number of the instrument, its date, the day of filing it, and the amount secured thereby, which entry shall be repeated, alphabetically, under the name of every party thereto; and he shall deposit the instrument in his office to be there kept for the inspection of all persons interested; and when such mortgage is refiled or cancelled the date of such refiling or cancellation shall be entered upon the margin of such record opposite the original entry.

Party may require record thereof.

Sec. 4153. If the party depositing the instrument desires to have it recorded, the officer shall record the same at the expense of the person making the request, in a book to be provided by the county; the officer shall enter upon the

margin of such record when the instrument is refiled any credit or statement placed thereon after it was recorded; and where it has been satisfied the party holding it shall forthwith notify the officer who made the record thereof, who shall, without delay, note such cancellation and satisfaction upon the margin of the record without charge therefor.

SECTION 2. That section 1 of the act of May 4, 1885 (82 v. 238), entitled "An act to regulate conditional rates and sales of personal property, and to provide for filing instruments pertaining to the same, with certain officers, and making a violation thereof a misdemeanor," be amended to read as follows:

Conditional sales of personal property; condition, when void; evidence of condition; filing of statement.

Sec. 1. In all cases where any personal property shall be sold to any person, to be paid for in whole or in part in installments, or shall be leased, rented, hired or delivered to another on condition that the same shall belong to the person purchasing, leasing, renting, hiring, or receiving the same whenever the amount paid shall be a certain sum, or the value of such property, the title to the same to remain in the vendor, lessor, renter, hirer or deliverer of the same, until such sum or the value of such property or any part thereof shall have been paid, such condition, in regard to the title so remaining until such payment, shall be void as to all subsequent purchasers and mortgagees in good faith, and creditors unless such conditions shall be evidenced by writing, signed by the purchaser, lessor, renter, hirer or receiver of the same, and also a statement thereon, under oath, made by the person so selling, leasing or delivering any property as herein provided, his agent or attorney, of the amount of the claim, or a true copy thereof, with an affidavit that the same is a copy, deposited with the county recorder of the county where the person signing the instrument resides at the time of the execution thereof, if a resident of the state, and if not such resident, then with the county recorder of the county in which such property so sold, leased, rented, hired or delivered is situated at the time of the execution of the instrument; and the officer receiving any such instrument shall proceed with the same in all respects as he is required to do by section four thousand one hundred and fifty-two of the Revised Statutes of Ohio, and shall receive the same fees as are allowed by law for similar services in other cases.

Repeals.

SECTION 3. That sections 4151, 4152, and 4153 of the Revised Statutes of Ohio, and section 1 of the act of May 4, 1885 (82 v. 238), entitled "An act to regulate conditional rates and sales of personal property, and to provide for filing instruments pertaining to the same, with certain officers, and making a violation thereof a misdemeanor," be and the same are hereby repealed.

When act in effect.

SECTION 4. This act shall take effect and be in force on and after the 1st day of May, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
Passed March 28, 1906. *President of the Senate.*

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
59G

[Senate Bill No. 60.]

AN ACT

To supplement (3970-10) section 1 of an act to provide for the organization of [the] common schools of the state of Ohio, and to repeal, amend and supplement certain sections of the Revised Statutes and laws of Ohio herein named.

Be it enacted by the General Assembly of the State of Ohio:

Ballots for election of members of board of education.

(3970-10). SECTION 1. That the names of all the candidates for members of the board of education of any school district in the state of Ohio, however nominated, shall be placed on one independent and separate ballot, without any designation whatever, except for member of board of education, and the number of members to be elected.

Marking of ballot.

A cross shall be placed at the left of the name of each candidate for whom the elector desires to vote.

Declaration of result.

The person having the highest number of votes shall be declared elected a member of the board of education, and the next highest, and so on until the number of members required to be elected shall have been selected from the number having the highest number of votes.

Printing and preparation of ballots.

SECTION 2. The ballots shall be printed and prepared as follows: The whole number of ballots to be printed for the school district shall be divided by the number of candidates for member of board of education of the school district, and the quotient so obtained shall be the number of ballots in each series of ballots to be printed as follows: The names of candidates shall be arranged in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except when there is but one candidate.

Repeals.

SECTION 3. All acts and parts of acts in so far as they are inconsistent herewith are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.
Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
60G

[House Bill No. 633.]

AN ACT

To amend section 15 of an act entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and provide for the employment and compensation of their clerks, deputies and assistants," passed March 22, 1906.

Be it enacted by the General Assembly of the State of Ohio:

Salaries of county officers:

SECTION 1. That section 15 of an act entitled, "An act to fix the salaries of probate judges, county auditors, county treasurers, county recorders, clerks of the court of common pleas and sheriffs, and provide for the employment and compensation of their clerks, deputies and assistants," passed March 22, 1906, be amended to read as follows:

Salary of clerk of courts.

Sec. 15. Each clerk shall receive eighty-five dollars for each full one thousand of the first fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Sixty dollars per thousand for each full one thousand of the second fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Fifty dollars per thousand for each full one thousand of the third fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Forty dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Thirty dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

Twenty dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county, as shown by the last federal census next preceding his election.

And five dollars per thousand for each full one thousand of the population of the county, as shown by the last federal

census next preceding his election, in excess of ninety thousand.

Repeals.

SECTION 2. That said section 15 is hereby repealed.

FREEMAN T. EAGLESON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
61G

[Senate Bill No. 24.]

AN ACT

To fix the terms of office of the judges of the common pleas court in the third subdivision of the fourth judicial district so as to conform to the constitutional provisions relating to biennial elections, and to create an additional judge therein.

Be it enacted by the General Assembly of the State of Ohio:

Election, number and term of judges of common pleas court in third subdivision of fourth judicial district.

SECTION 1. There shall be four judges of the common pleas court for the third subdivision of the fourth judicial district chosen by the electors of such subdivision on the first Tuesday after the first Monday in November, in the year 1908, three judges in the year 1910, and four judges in each even numbered year thereafter, for a term of six years commencing on the first day of January next after their election.

Repeals.

SECTION 2. The act of March 11, 1853 (51 v. 387), entitled "An act authorizing the election of one additional judge of the court of common pleas in the county of Cuyahoga comprising the third subdivision of the fourth judicial district;" the act of March 25, 1875 (72 v. 105), entitled "An act to facilitate the administration of justice in Cuyahoga county;" the act of May 18, 1894 (91 v. 309), entitled "An act to authorize the election of one additional judge of the court of common pleas in Cuyahoga county;" and the act of March 4, 1902 (95 v. 34), entitled "An act providing for the election of four additional judges in Cuyahoga county of the fourth judicial district," are repealed.

Explanation of act.

SECTION 3. The judges of the common pleas court herein provided for, are in lieu of the judges of the common pleas court created for such subdivision by section three of

article IV of the constitution, and by the statutes repealed by this act; but nothing herein contained shall be so construed as to vacate the term of office of any such judge before the expiration of the term for which he was elected.

Extension of terms of office of judges to conform to constitutional provisions relating to biennial elections.

SECTION 4. The terms of office of the judges of the common pleas court for such subdivision which would, but for this act, have terminated with the thirty-first day of December, 1907, shall terminate with the thirty-first day of December, 1908; the terms of office of the judges of the common pleas court in such subdivision which would, but for this act, have terminated in the year 1909, shall terminate with the thirty-first day of December, 1910; and the terms of office of the judges of the common pleas court in such subdivision which would, but for this act, have terminated in the year 1910, shall terminate with the thirty-first day of December, 1912.

When act in effect.

SECTION 5. This act shall take effect on the first day of May, 1907.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
62G

[Senate Bill No. 33.]

AN ACT

Fixing the terms of judges of the court of common pleas, prescribing when they shall be elected, and extending certain of their terms, so as to effect the purpose of section 1, article XVII of the constitution.

Be it enacted by the General Assembly of the State of Ohio:

Election and term of office of judges of common pleas court.

SECTION 1. Every judge or additional judge of the court of common pleas hereafter elected shall hold his office for six years, commencing on the expiration of the term of his predecessor as fixed by law, or in case such term be hereby extended, then on the expiration thereof as so extended, and shall be elected at the election for state and county officers next preceding the commencement of his said term.

Extension of terms of office of judges to conform to constitutional provisions relating to biennial elections.

SECTION 2. The existing term of office of any judge or additional judge of said court which would otherwise expire in any even numbered year, or in November or December of any odd numbered year, shall be and is hereby extended to the first day of January of the odd numbered year next succeeding such expiration, and the incumbent of said office at the time when such existing term would otherwise expire, shall hold the same until the expiration of said term as so extended, subject to all the provisions of the constitution or laws, relative to impeachment, removals or vacancies therein. Provided, however, that the term of any said judge expiring in the year one thousand nine hundred and six, whose successor has been elected prior to the passage of this act, shall not be so extended.

Provided that nothing contained in this act shall affect the terms of office or extensions thereof fixed by any special act passed by the 77th general assembly.

Repeals.

SECTION 3. That all acts or parts of acts inconsistent with the provisions hereof, be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 22, 1906.

This bill was presented to the governor, March 24, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
63G

[House Bill No. 44.]

AN ACT

To provide for the release and discharge of county, city, village, township and school district treasurers and their sureties in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

Provisions for release and discharge of county, city, village, township or school district treasurers and their sureties in certain cases.

SECTION 1. When without fault or negligence of the officer intrusted by law with the care of the same, a loss of public funds intrusted to a county, city, village, township or school treasurer, by virtue of his office, is caused by fire, robbery, burglary or inability on the part of the bank to refund public money lawfully in its possession belonging to such public funds; the county commissioners, in case of such loss by a county treasurer, and the city or village council, town-

ship trustees and boards of education, in like cases of loss by city, village, township and school treasurers, respectively, are hereby authorized and empowered, to release and discharge such treasurer and the sureties upon his official bond from all liability to or demands of the county, city, village, township or school district interested, for such loss so created and arising; provided that before such release and discharge shall be affected such board of county commissioners, city or village council, township trustees or board of education, effecting such release and discharge, shall find; that such loss of public funds was not occasioned by the fault or negligence of such treasurer, and shall cause an entry of such finding to be made upon the record book of the proceedings of the council or board; provided further that in cases of loss by county treasurers, the county commissioners, and in cases of loss by city or village treasurers the city or village council, and in cases of loss by township treasurers, the township trustees and in cases of loss by school treasurers, the board of education of the school district; having first made and caused to be entered the finding of no fault or negligence as above provided, may and they are hereby authorized, at the next ensuing general election to be held in such county, city, village, township or school district, respectively, to submit to the qualified electors of said county, city, village, township or school district interested the question of discharging such treasurer and the sureties upon his official bond from liability on account of such loss of funds.

Provided further that whenever twenty-five per cent. of the qualified electors of such county, in cases of county treasurers, or a like percentage of qualified electors in cases of city, village, township or school treasurers, shall petition the council or board for the privilege to determine by ballot whether any treasurer and the sureties on his official bond shall be released and discharged, such council or board shall, and they are hereby required to submit such question to the qualified electors of said county, city, village, township or school district interested, as herein provided. Provided that any taxpayer of the county, township, municipality or school district affected may within five days after any finding of release or discharge provided for in this act is made, take an appeal therefrom to the common pleas court of the county, and until such appeal is finally determined such finding and other proceedings shall not affect such release and discharge. Notice in writing of such intention to appeal shall be filed with the clerk or auditor of the board or council making such finding within five days thereafter, and a transcript of the said finding and other proceedings shall within thirty days after said finding be filed in said common pleas court and docketed therein as other cases. Whereupon the court shall proceed to try and determine the question whether such public funds were lost by the fault or negligence of such treasurer; and in case it be found that they were, the finding of the board or council below ordering such discharge shall be vacated; but in case they were not, then

such finding shall remain in full force, and the court shall cause its judgment to be certified to the board or council making such finding.

How question of release submitted to vote; notice, etc.

SECTION 2. The deputy state supervisors of elections of the county interested or within which such city, village, township or school district is located, shall cause notice of the submission of said proposition to the electors; in case of relief of county or city treasurers by publication in two newspapers of opposite politics in said county or city for at least thirty (30) days next prior to the date upon which such election is to be held, and in case of relief of village or township treasurers twenty (20) days notice of such election shall be given by posting notices thereof in five (5) public places within the village or township; and in cases for the relief of school treasurers, ten (10) days notice of such election shall be given by posting notices thereof in five (5) public places in the school district interested.

Ballots, how printed.

SECTION 3. The ballots for said election shall have printed thereon, "Discharge of treasurer and sureties—yes." "Discharge of treasurer and sureties—no." And shall have a place at the left of each proposition for the voter to mark according to law, the proposition he favors.

Entry of result of election.

SECTION 4. If a majority of the votes cast upon such proposition at such election shall be in favor of the discharge of the said treasurer and his said sureties, the board of county commissioners in cases of county treasurers, and the city or village council in cases of city or village treasurers, and the township trustees in cases of township treasurers, and boards of education in cases of school district treasurers, shall cause to be made an entry of the result of the election in the record book of proceedings of the council or board ordering such election and shall thereupon release and discharge said treasurer and his sureties on his official bond from all liability on account of such loss. But if a majority of the votes cast shall be against such discharge then entry of such result of such election shall be made in the record book of proceedings of the council or board ordering such election and no further action therein shall be taken by such council or board.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

64G

[House Bill No. 37.]

AN ACT

To amend section 219 of an act passed October 22, 1902, entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," relating to hospitals.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 219 of an act passed October 22, 1902, entitled, an act "To provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the use [abuse] of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," be amended so as to read as follows:

City council authorized to levy tax to compensate private company for maintaining free public hospital.

Sec. 219. The city council of each city shall have power to levy and collect a tax not exceeding one mill on each dollar of the taxable property of the municipality, annually, and to pay the same to a private corporation or association maintaining and furnishing a free public hospital for the benefit of the inhabitants of the municipality, or to private corporation or association maintaining a public hospital, not free except to such inhabitants of the municipality as are in the opinion of a majority of the trustees of such hospital unable to pay, as and for compensation for the use and maintenance of the same and without change or interference in the organization of such corporation or association, requiring the treasurer of such corporation or association to make an annual financial report, setting forth all the money and property which has come into its hands during the preceding year and its disposition of the same, together with any recommendation as to its future necessities.

Repeals.

SECTION 2. That said original section 219 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

65G

[House Bill No. 114.]

AN ACT

To prevent hazing, in educational institutions, and to punish persons guilty thereof.

Be it enacted by the General Assembly of the State of Ohio:

Crimes against the person:

SECTION 1. That section 1 of an act entitled "An act to provide against the offense of hazing in the colleges and other institutions in the state of Ohio, and for the punishment of crimes resulting therefrom," passed April 27, 1893, be amended, and supplemented by adding thereto section 1*a*, so as to read as follows:

Hazing; penalty.

Sec. 1. Whoever being a student or being a person in attendance at any public, private, parochial, or military school, college or other educational institution conspires to or does engage in the practice of hazing or of committing any act that injures, frightens, degrades or disgraces or tends to injure, frighten, degrade or disgrace any fellow student or person attending such institution shall be held guilty of a misdemeanor, and shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months or both, and in case of fine the sentence shall be that the defendant or defendants be incarcerated until said fine shall be paid.

Penalty for permitting act of hazing, etc.

Sec. 1*a*. Whoever being a teacher, superintendent, commandant or other person or persons in charge of any public, private, parochial or military school, college or other educational institution shall knowingly permit any act of hazing or of attempting to haze, injure, frighten, degrade or disgrace any person attending the institution in which he is in such charge shall be guilty of a misdemeanor and he shall be fined not more than one hundred dollars.

Repeals.

SECTION 2. That said section 1 of an act entitled "An act to provide against the offense of hazing in the colleges and other institutions in the state of Ohio, and the punishment of crimes resulting therefrom," be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

66G

[House Bill No. 285.]

AN ACT

To authorize the governor of the state of Ohio, to execute a deed for certain lands to Caroline Strode.

Preamble:

Whereas, Caroline Strode, formerly Caroline Waldrick, is the owner of forty-seven acres of land, more or less, lying between the Miami river and the east line of section 16, and being part of the school section 16 in township 2, range 3, of the Miami purchase, Butler county, Ohio, which land she purchased in fee simple from the heirs of John Rupp, deceased, and

Whereas, it appears that said land is part of a tract of land leased by the trustees of said school section by authority of an act of the general assembly of the state of Ohio, passed February 11, 1812 (10 O. L. 73), and that said John Rupp, by proceedings in the court of common pleas of Butler county, Ohio, became the owner of said lease by conveyance dated March 19, 1853, by the terms of which the said John Rupp was to pay an annual rental to the school trustees of said section of twenty dollars; and

Whereas, the said John Rupp paid said yearly rental up to February 21, 1861, when said trustees ceased to demand or collect said rent for the reason that said John Rupp at that time made full and legal satisfaction and payment for said land and surrendered said lease to the state of Ohio, as provided by law and was entitled to receive from the state a deed in fee simple, therefore; and

Whereas, said John Rupp, through inadvertence or ignorance of the law and the procedure necessary to obtain said deed failed to present to the auditor of state the certificate issued to him by the auditor of Butler county, and never received the deed to which he was entitled; and

Whereas, the records of the time when said auditor's certificate was issued can not be found, and there is no means whereby said certificate can be duplicated; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Governor authorized to execute deed to Caroline Strode.

SECTION 1. That the governor of the state of Ohio be and he is hereby authorized and directed to execute and deliver to said Caroline Strode a deed in fee simple for said real estate above referred to, and which is more particularly described as follows: Being a tract of about forty-seven acres of land in the northeast part of Fairfield township, Butler county, Ohio, being a part of the school section 16, township 2, range 3, Miami purchase, lying between the Miami river and the east line of said section 16, being the same premises conveyed to said Caroline Strode by Jacob Rupp and others, heirs of John Rupp, deceased, by deed dated October 7, 1895, and recorded in volume 120, page 311 of the deed records of said county of Butler, subject to lease for right of way made by John Rupp to the Cincinnati, Hamilton, Middletown and Toledo railway company, June 30,

1884, and recorded in volume 91, page 59, deed records, Butler county, Ohio; said deed to be signed by the governor of the state of Ohio, sealed with the great seal of the state and countersigned and recorded by the secretary of state, as provided by the existing laws.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
67G

[Senate Bill No. 117.]

AN ACT

To amend section 10 of an act entitled "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines and pioneers of the several counties of the state," passed March 12, 1902, as amended March 31, 1902.

Be it enacted by the General Assembly of the State of Ohio:

County memorial building:

SECTION 1. That section 10 of an act entitled, "An act to provide for the construction and maintenance of a county memorial building to commemorate the services of the soldiers, sailors, marines, and pioneers of the several counties of the state," passed March 12, 1902, as amended March 31, 1902, be and the same is hereby amended so as to read as follows:

County commissioners to provide for maintenance of building; tax levy.

Sec. 10. Upon the completion of the memorial building authorized, or on completion of any monumental building under act passed May 2, 1871, as amended April 16, 1900, entitled "An act to provide for the appointment of trustees and disposition of moneys, property and assets, held in trust for building soldiers' monuments, the board of trustees shall turn over the same to the county commissioners, who shall provide for the maintenance of said building as a memorial for the purpose aforesaid in the same manner as they are authorized to maintain other property of the county. The board of commissioners of any county in the state, in addition to all other levies authorized by law, may levy a tax, in the year 1906, not to exceed twenty-five one-hundredths of a mill upon all the taxable property within their county, to be used for furnishing and decorating such memorial building, or to repay moneys advanced for such purposes, and shall levy an

annual tax sufficient to care for said building and to carry out the purposes for which the same is constructed. The board of commissioners may permit the occupancy and use of the memorial building, or any part thereof, upon such terms and conditions as they may deem proper.

SECTION 2. That said section 10 is hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
68G

[House Bill No. 295.]

AN ACT

To amend section 3959 of the Revised Statutes of Ohio relating to maximum levy for school purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3959 of the Revised Statutes of Ohio as amended April 25, 1904, be amended so as to read as follows: **School funds:**

Sec. 3959. The local tax levy for all school purposes shall not exceed twelve mills on the dollar of valuation of taxable property in any school district, and in city school districts shall not be less than six mills, but said levy shall not include any special levy for a specified purpose, provided for by a vote of the people. A greater or less tax than is authorized herein may be levied for any or all school purposes, and any board of education is authorized to make an additional annual levy of not more than five mills for any number of consecutive years not exceeding five, if the proposition to make such levy or levies shall have been submitted, by the board of education, to a vote of the electors of the school district, under a resolution prescribing the time, place and nature of the proposition to be submitted, and approved by a majority of those voting on the proposition; notice of such election must be given by publication of the resolution for three consecutive weeks prior thereto in some newspaper published and of general circulation in the district, or by posting copies thereof in five of the most conspicuous places in the district for a like period, if no such paper is published therein.

Maximum levy.

Greater tax may be levied if authorized by vote of people.

Notice of election.

Repeals.

SECTION 2. That said section 3959 of the Revised Statutes of Ohio, as amended April 25, 1904, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

69G

[House Bill No. 352.]

AN ACT

To amend section 4104 of the Revised Statutes of Ohio, as amended April 25, 1904, in relation to the tax levy for the university of Cincinnati.

Be it enacted by the General Assembly of the State of Ohio:

Cincinnati and Toledo universities:

SECTION 1. That section 4104 of the Revised Statutes of Ohio, as amended April 25, 1904, in relation to the tax levy for the university of Cincinnati, be amended so as to read as follows:

When and how tax to be levied.

Sec. 4104. The council may assess and levy annually taxes on all the taxable property of such municipal corporation to the amount of five-tenths of one mill on the dollar valuation thereof, to be applied by said board to the support of such university, college or institution, and may also levy and assess annually five one-hundredths of one mill on the dollar valuation thereof, for the establishment and maintenance of an astronomical observatory, or for other scientific purposes, to be determined by the board of directors and to be used in connection with such university, college or institution, the proceeds of which shall be applied by the board of directors for such purposes exclusively; provided, however, that the taxes specified in this section shall only be levied and assessed when the chief work of such university, college or institution is the maintenance of courses of instruction, in advance of, or supplementary to, the instruction authorized to be maintained in high schools by boards of education. Said levies shall be made by council at the same time, and in the same manner as other levies for other municipal purposes, and shall be certified by council and placed upon the

tax duplicate in the same manner as other municipal levies. The funds of any such university, college or institution shall be paid out by the treasurer upon the order of the board of directors and the warrant of the auditor.

SECTION 2. That said section 4104 as amended be repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

70G

[House Bill No. 451.]

AN ACT

To supplement section 1565 of the Revised Statutes of Ohio, relating to the creation and incorporation of villages, by a section to be numbered 1565*a*, providing for a division and transfer of township funds, when a village is created out of a portion of a township or townships.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1565 of the Revised Statutes of Ohio be supplemented as follows: Incorporation of villages and hamlets:

Sec. 1565*a*. When a village has been created out of a portion of a township, or portions of more than one township, under the provisions of the statutes of this state authorizing the creation of villages, a proper division of the funds for township purposes in the treasury, or in the process of collection, of the township or townships from which the territory has been taken for the creation of said village, shall, upon application of said village to the probate court of the county in which such territory is situated, be determined and ordered by said court, and the share to which said village is found entitled, ordered paid over to the treasurer of the village; and in determining the portion of said funds to which said village is entitled, the indebtedness of said township or townships shall be taken into consideration; ten days notice of such hearing shall be given by the treasurer of the applicant to the treasurer of the townships whose funds are sought to be divided. The findings and orders of the probate court shall be final. Division and transfer of township funds when a village is created out of portion of township or townships.

SECTION 2. The provisions of this section shall apply only to villages created after July 1st, A. D., 1905. To what villages act to apply.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

71G

[House Bill No. 635.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1906.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay unauthorized deficiencies.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as herein specified, existing prior to February 15, 1906, to-wit:

OHIO NATIONAL GUARD.

Peters Cartridge Company, ammunition	$5,662 93
Quarterly pay enlisted men under act of March 23, 1904, as follows:	

First Infantry.

Company L	$82 50

Third Infantry.

Noncommissioned staff and band	$97 00
Company C	114 00
Company G	86 00
Company I	43 25
Company L	105 50

Fourth Infantry.

Noncommissioned staff	$20 00
Band	49 75
Company A	59 75
Company B	86 00
Company C	50 25
Company D	53 25
Company E	105 50
Company F	78 25
Company G	39 75
Company H	62 50
Company I	57 50
Company K	75 50
Company L	66 50
Company M	86 25

Appropriation to pay unauthorized deficiencies.

Fifth Infantry.

Noncommissioned staff and band	$103 75
Company A	71 50
Company C	79 50
Company D	159 75
Company E	52 50
Company F	102 00
Company G	90 25
Company H	78 00
Company I	108 50
Company K	97 00
Company L	183 00
Company M	66 75

Sixth Infantry.

Noncommissioned staff and band	$10 50
Company A	60 50
Company C	45 75
Company D	64 25
Company E	72 50
Company F	104 00
Company G	144 25
Company H	65 00
Company I	50 00
Company K	75 75
Company L	72 50
Company M	72 50

Seventh Infantry.

Noncommissioned staff and band	$105 00
Company A	73 75
Company B	76 75
Company D	134 25
Company E	107 25
Company F	85 75
Company G	60 00
Company H	99 50
Company I	117 50
Company K	106 50
Company L	109 75

Eighth Infantry.

Band	$105 00
Company A	78 50
Company B	59 00
Company C	109 50
Company D	125 00
Company E	132 00
Company F	82 75
Company G	54 25

Appropriation to pay unauthorized deficiencies.

Company H	85 00
Company I	145 50
Company K	51 25
Company L	73 25
Company M	92 75

Ninth Infantry.

Band	$60 50
Company A	125 25
Company B	142 00
Company C	133 25

Engineers.

Noncommissioned staff and band	$90 50
Company A	65 00
Company B	75 25
Company C	90 00
Company D	64 75

Naval Brigade.

First division, first battery	$71 50
Second division, first battery	72 50
First division, second battery	50 00
Second division, second battery	48 00

Medical Department.

Hospital section No. 1	$34 00
First ambulance company	70 25
Hospital section No. 2	104 25
Second ambulance company	79 50

Artillery.

Battery A	$98 75
Battery D	91 75

Cavalry.

Troop A	$119 50
Troop B	86 50

Signal Corps.

First company	$0 50
First company	91 00
Second company	62 50
Frank T. Gramling, for injuries received and expense incurred for medical attendance at Camp Jennings July 3, 1905	253 00

Appropriation to pay unauthorized deficiencies.

Fred. H. Sandwich, for injuries received and expense incurred for medical attendance at Camp Jennings, July 3, 1905	132 00
Captain Pearl Willis, Company I, 7th O. N. G., personal property destroyed by fire	77 00
Lieutenant J. D. Wise, commanding officer, Company A, 8th Infantry, O. N. G., for property destroyed by fire in armory, Bucyrus	1,494 25
Pat Gatton, for loss of one horse furnished commanding officer, 6th Infantry, O. N. G., during national guard maneuvers at Athens	150 00
Rell G. Allen, captain Company M, 4th infantry, O. N. G., for expense and armory rent in 1903	250 00
R. W. Knaus, captain Troop B, O. N. G., for one horse injured during Athens maneuvers, 1904	75 00
Lieutenant M. W. Russell, Company I, 7th Infantry, O. N. G., for loss of personal equipment property by fire at Ironton	60 00
Carl G. Patterson, Company I, 7th Infantry, O. N. G., loss of personal equipment property by fire at Ironton	82 35
Carl G. Patterson, Company I, 7th Infantry, O. N. G., loss of company property	556 70
Lieutenant Colonel E. E. Corn, commanding 7th Infantry, O. N. G., loss of regimental quarters tent	67 38
Captain Harold M. Bush, Company I, 4th Infantry, for damages paid for injury to two horses used	50 00
Watson H. Ohl, Company D, 5th Infantry, O. N. G., for injuries received in riot at Athens	60 00
Dan G. Simpson, Company D, 5th Regiment, medical services sustained by him during riot at Athens	48 00
Gunther Brothers Company, for veterinary services, etc., for one horse used by Colonel C. F. Hake, Jr., First Infantry, at Vicksburg, Mississippi	70 50
George W. Leonard, captain Third Infantry, O. N. G., for loss of personal equipment by burning of armory at Urbana	127 30
J. G. Wallace, first lieutenant, Company D, Third Infantry, for loss personal equipment by burning of armory at Urbana	95 45
Arthur G. Ream, second lieutenant, Company D, Third Infantry, for loss of personal equipment by burning of armory at Urbana	31 25
Major Arthur W. Reynolds, for injuries received during maneuvers at Athens	900 00

Appropriation to pay unauthorized deficiencies.

Harry P. Bosworth, Fifth Infantry, O. N. G., for loss of one horse occasioned by service during maneuvers at Athens	300 00
William Blessing, Company D, Fifth Infantry, O. N. G., for injury received while on duty during riot at Athens	5,342 00
Dan G. Simpson, M. D., medical services rendered William Blessing, Company D, Fifth Infantry, O. N. G.	10 00
Charles S. McDougall, M. D., medical services rendered William Blessing, Company D, Fifth Infantry, O. N. G.	150 00
Improvement of state camp ground, McCune-Crand Hardware Company, for supplies...	76 24
For attorneys' fees and expenses in the case of court martial of officers of the Ohio national guard	1,053 60

STATE HOUSE AND GROUNDS.

Electric current for light and power for state house to February 15, 1906	$2,173 08

ATTORNEY-GENERAL'S DEPARTMENT.

John W. McCafferty, clerk of the courts, Franklin, common pleas court costs in cases as follows:	
The State of Ohio, ex rel. J. M. Sheets, attorney-general, vs. The Union Depot Company, No. 1880	$14 44
The State of Ohio ex rel. J. M. Sheets, attorney-general, vs. The Provident Savings Company, No. 1882	10 82
The State of Ohio ex rel. Wade H. Ellis, attorney-general, vs. The Union Terminal Railway Company, No. 2189	8 04
The State of Ohio vs. The Sunlight Gas Company, No. 44762	5 59
The State of Ohio vs. The Ohio River and Western Railway Company, No. 47080	5 87
The State of Ohio vs. The Investment Banking Company, No. 48211	6 26
The State of Ohio vs. The American Land Company, No. 48212	9 34
The State of Ohio vs. The Findlay Brick and Tile Company, No. 48229	10 37
The State of Ohio vs. The DeVeng Printing Company, No. 48230	9 03
The State of Ohio vs. The Northern Ohio Transfer Company, No. 48231	7 93
The State of Ohio vs. The Clark Printing Company, No. 48232	9 03

The State of Ohio vs. The O. Malley Lumber Company, No. 48234	7	94	Appropriation to pay unauthorized deficiencies.
The State of Ohio vs. The Scenic Railway Company, No. 48235	7	93	
The State of Ohio vs. The W. P. Day Company, No. 48237	5	39	
The State of Ohio vs. The Prudential Savings Company, No. 48239	7	53	
The State of Ohio vs. The Pratt Stone Company, No. 48242	10	63	
The State of Ohio vs. The City Laundry Company, No. 48244	9	78	
The State of Ohio vs. The William Noville Company, No. 48246	6	89	
The State of Ohio vs. The New Imperial Laundry Company, No. 48247	9	83	
The State of Ohio vs. The Cleveland Ornamental Glass and Fixture Company, No. 48249	9	83	
The State of Ohio vs. The Banks-Clark Company, No. 48252	12	12	
The State of Ohio vs. The Arnold Jones Company, No. 48253	7	93	
The State of Ohio vs. The Central Trust Company, No. 48254	5	39	
The State of Ohio vs. The Harshman Shoe Manufacturing Company, No. 48255	6	50	
The State of Ohio vs. The Napthaline Manufacturing Company, No. 48256	12	45	
The State of Ohio vs. The Extension Hay Rack Company, No. 48257	3	85	
The State of Ohio vs. The Eagle Shoe Manufacturing Company, No. 48258	4	10	
The State of Ohio vs. The Good Times Company, No. 48259	5	32	
The State of Ohio vs. The Akron Twine and Cordage Company, No. 48264	5	07	
The State of Ohio vs. The Natural Supply and Manufacturing Company, No. 48266	5	35	
The State of Ohio vs. The Standard Laundry Company, No. 48268	5	70	
The State of Ohio vs. The W. A. Albaugh Petroleum Company, No. 48269	5	40	
The State of Ohio vs. The Norwalk Foundry and Machine Company, No. 48271	4	51	
The State of Ohio vs. The Gem City Plumbing and Heating Company, No. 48272	5	05	
The State of Ohio vs. The Grafton Savings Bank Company, No. 48273	5	07	
The State of Ohio vs. The Argus Oil Company, No. 48275	4	88	
The State of Ohio vs. The Buckeye Novelty Company, No. 48276	5	26	
The State of Ohio vs. The Phoenix Distilling—James M. Selden Company, No. 48278	3	74	

Appropriation to pay unauthorized deficiencies.

The State of Ohio vs. The Madisonville Woolen Mills Company, No. 48279	3 74
The State of Ohio vs. The Maltby-Normandy Company, No. 48280	3 74
The State of Ohio vs. The Advance Planing Mill Company, No. 48281	5 69
The State of Ohio vs. The Cincinnati Dairy Company, No. 48282	5 09
The State of Ohio vs. The Ohio River Planing Mill Company, No. 48283	5 49
The State of Ohio vs. The Ohio Bell Pure Air and Cooling Company, No. 48284	5 89
The State of Ohio vs. The J. Forch Cork Manufacturing Company, No. 48288	5 69
The State of Ohio vs. The National Machine Tool Company, No. 48289	5 09
The State of Ohio vs. The Sandusky Automobile Manufacturing Company, No. 48297	4 11
The State of Ohio vs. The Springfield Coal and Lumber Company, No. 48299	3 85
The State of Ohio vs. The Luna Coal Company, No. 48300	7 44
The State of Ohio vs. The J. W. Rockfield Company, No. 48301	5 05
The State of Ohio vs. The Lippy Manufacturing Company, No. 48302	5 45
The State of Ohio vs. The Citizens Home Investing Company, No. 48305	5 60
The State of Ohio vs. The Keppler Brothers Company, No. 48953	4 15
The State of Ohio vs. The Cincinnati Stone and Brick Painting Company, No. 48955	5 30
The State of Ohio vs. The Ohio Valley Chemical Company, No. 48957	5 30
The State of Ohio vs. The George C. Beek Box and Lumber Company, No. 48964	7 10
The State of Ohio vs. The Granite Surface Company, No. 48965	5 30
The State of Ohio vs. The Watts Manufacturing Company, No. 48966	6 90
The State of Ohio vs. The O'Dell Company, No. 48967	4 15
The State of Ohio vs. The Consumers Sampling and Distilling Company, No. 48968	4 75
The State of Ohio vs. The Normandy Real Estate Improvement and Building Company, No. 48970	4 15
The State of Ohio vs. The Ohio Machinery Company, No. 48972	4 15
The State of Ohio vs. The United States Paint and Glass Company, No. 48973	4 15
The State of Ohio vs. The Victor Water Heater and Manufacturing Company, No. 48974	5 30

Appropriation to pay unauthorized deficiencies.

The State of Ohio vs. The American Chemical Fire Extinguisher Company, No. 48976....	5 30
The State of Ohio vs. The Klein Wall Paper Company, No. 48978	7 70
The State of Ohio vs. The Hard Coal Company, No. 49831	6 92
The State of Ohio vs. The Nice Coal Company, No. 49838	9 96
L. E. Emerson, clerk of the supreme court, for costs in case of Ohio ex rel., attorney-general, vs. Cincinnati, Hamilton and Dayton Railway Company and city of Dayton	1,165 95
William F. Behrens and Company, for repainting walls in office of attorney-general	100 00

STATE BOARD OF PUBLIC WORKS.

Mrs. M. D. Delaplane, C. J. Delaplane and Morris Hafey (H. B. 258), damage caused by break and overflow of canal	$250 00
Harrie B. Hutchinson, F. C. Hubbard and Morris Hafey (H. B. 259), damage caused by break and overflow of canal	637 00
Mrs. M. D. Delaplane and F. Palm (H. B. 260), damage caused by break and overflow of canal	225 00
Mrs. Ann M. Cochran (widow) (H. B. 261), damage caused by break and overflow of canal	100 00
Mrs. Levina T. Wright (widow) (H. B. 262), damage caused by break and overflow of canal	400 00
Henry Barcus, trustee (H. B. 263), damage caused by break and overflow of canal.....	8,530 00
P. J. Dill and A. H. Johnson as executors of the estate of P. N. Gray and Louis Seymour (H. B. 294), damage caused by break and overflow of canal	1,939 20
David Kurtzhalz (H. B. 406), damage caused by break and overflow of canal	70 00
George Ford (H. B. 409) damage caused by break and overflow of canal	225 00
Lewis Ward (H. B. 408) damage caused by break and overflow of canal	508 00
To pay damages caused by breach in, leakage and overflow of St. Marys reservoir and Coldwater creek, as follows: (H. B. 218)	
J. H. Baker	$155 00
J. B. Garrison	125 00
Noah Coate	152 60
B. H. Dock	42 00
Mary J. Findlay and Preston W. Findlay	150 00
Charles Furgeson	35 00
C. E. Beougher	125 00

Appropriation to pay unauthorized deficiencies.

W. A. Gray	207 00
Henry Hohn	1,198 00
Nelson Maffett	36 00
A. J. Smith and John Monroe	47 50
James S. Monroe	200 00
Christopher Martense	165 00
John Rhodes and Kate Schroeder	586 00
M. L. Richardson and E. J. Beougher	96 00
M. L. Richardson and Daniel Brookhart	348 00
Charles Zumberg and Joseph Meyers	250 00
Joseph Meyers	535 00
Frank Puthoff	120 00
L. B. Cordier	1,035 50
Hugh Kincaid	577 00
Lawrence Schunck	475 00
Joseph E. McCoy	205 00
John Stillberger	256 00
L. Schunck and M. Fisher	130 00
J. C. P. Stachler	137 65
G. J. C. Wintermute and John Wiley	114 00
Ivan York	42 00
W. T. Andrews	604 50
C. W. Andrews	145 00
Lewis Granger and John Stephenson	256 50
F. B. Trenary	247 00
S. P. McGriff	745 30
I. A. Vore and Roy Jenkins	241 25
John Spriggs and James Spriggs	590 00
W. R. West	270 00
A. M. Ransbottom	332 50
Henry Mack	692 00
W. E. Touvelle and Val. Hole	815 00
John Pax	700 00
Joseph Pax	250 00
J. H. Pulskamp	585 50
Joseph McDonald	298 00
John G. Belmer	200 00
A. B. Florence and William Florence	140 00
Nathan Hillary and William Florence	75 00
William Florence	50 00
Robert L. Lamore	30 00
C. M. Garrison and Robert L. Lamore	24 00
William Spinner	245 00
W. H. Bastain	81 00
Ora Brock	40 00
John White	48 00
B. B. Wilson	80 00
A. J. Boice	222 00
Albert Meyer and Vinton Meyer	345 00
George McMacken	532 00
Charles Pearson and Amos Agenbroad	260 00
I. J. Ransbottom and Charles Rabe	250 00
I. F. Raudabaugh	772 40
Expense of commission	85 00

Appropriation to pay unauthorized deficiencies.

To pay damages caused by break Miami and Erie canal near Loramie, 1904: (H. B. 473.)	
Henry Arling	$79 00
Fred. C. Arkenberg	153 00
John P. Strong	56 25
Henry Menten	89 60
J. B. Borchers	76 80
Ben Holtvogt	70 00
Henry Harrod	67 20
Joseph Kaiser	27 00
Geo. Fleckenstein	96 00
Expense of commission	19 25
Mrs. Frances Miller, for damages from break and overflow of canal in 1904	285 00
Jacob W. Kauffman, for damages from break and overflow of canal in 1904	250 00
Rufus Lucas, for damages from break and overflow of canal in 1904	150 00
Expense of commission	36 00
A. E. Harrison, for damages resulting from break and overflow of canal	88 00
Peter Bauer, for damages resulting from break and overflow of canal	100 00
W. L. Comer, for damages resulting from break and overflow of canal	700 00
Expense of commission	7 90
T. H. Higginbotham and Blanch Van Voorhis, for damages to crops caused by a breach in the Ohio and Erie canal	325 00
H. C. Van Voorhis and J. W. Varner, for damages to crops caused by a breach in the Ohio and Erie canal	215 45
Expense of commission	28 46
Jacob W. Kauffman, for damages caused by break in Miami and Erie canal in 1905	700 00
William A. Mays and William L. Hipple, for damages caused by break in Miami and Erie canal in 1905	800 00
Mrs. Frances E. Miller and Frank DeWeese, for damages caused by break in Miami and Erie canal in 1905	500 00
C. P. Wareham, for damages caused by break in Miami and Erie canal in 1905	50 00
Expense of commission	20 50

STATE BOARD OF AGRICULTURE.

Live stock commission, for horses affected with glanders, and by the commission ordered destroyed	$2,227 50
For swine exposed by infection of rabies and ordered destroyed	703 91

Appropriation to pay unauthorized deficiencies.

Cattle infected with tuberculosis and ordered destroyed	1,610 00

DAIRY AND FOOD COMMISSIONER.

Charles S. Turnbaugh, surviving partner of Locke and Turnbaugh, attorney fees	$142 45

OHIO PENITENTIARY.

Current expense	$13,119 20
Sewers and waterworks	264 07
Manufacture of gas	564 95
Ordinary repairs	435 42
Harriet A. Moorehead, widow of William H. Moorehead, late guard, death from assault by prisoner, in full of all claims and demands against the state, for or on account of the loss aforesaid	3,000 00
Anna R. Gerhardt, widow of Henry Gerhardt, late guard at the Ohio penitentiary, who died from being shot by a prisoner, in full of all claims and demands against the state on account of said loss	3,000 00

OHIO STATE REFORMATORY.

Samuel A. Esswein, for extra work on mechanical blast system	$998 70
E. H. France, stone furnished for construction of wall	592 20

COLUMBUS STATE HOSPITAL.

Furnishing Greer cottage	1,801 97

OHIO HOSPITAL FOR EPILEPTICS.

Salaries of officers and trustees' expenses	$107 25
Buchhandlung Gustave Fock, for medical books	82 60

INSTITUTION FOR FEEBLE-MINDED YOUTH.

C. C. Peck, balance due on boilers	$4,282 27

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expense	$369 15
Net earnings	90 00

MISCELLANEOUS.

Expense of committee to select site for hospital for insane:	
C. J. Manix	$281 37

Appropriation to pay unauthorized deficiencies.

A. H. Judy 380 56
A. B. Smith 235 60
E. LeFever 335 30
Nellie Bullard or her executors for injuries received at Toledo state hospital in January 1904, in full settlement of all claims for damages against said hospital and the state on account of said injuries $2,000 00
Clare C. Fauver, for loss of hand by machinery at Ohio state university, in full settlement of all claims against said university and the state on account of the injuries aforesaid.. 2,500 00
The auditor of state be and is hereby authorized and required to issue a duplicate warrant in lieu of original warrant number 8347, under date of April 11th, 1904, in favor of O. F. Hypes, being a portion of his salary as member of the general assembly, said original warrant having been lost or destroyed.
Mrs. Mattie Brown, for injuries received while preventing the escape of a female prisoner at the Ohio penitentiary, (as set forth in H. B. No. 313) in full settlement of all claims $1,000 00
Mrs. Katherine Wortsmith, for loss of son by drowning from naval vessel Essex, (as set forth in H. B. No. 314) in full settlement of all claims $900 00

SECTION 2. The moneys herein provided shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem of the Senate.

Passed March 30, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

72G

[House Bill No. 372.]

AN ACT

To amend section one of an act entitled, "An act to require prepayment of security for costs in actions for divorce or alimony, or both; proviso," passed April 29, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Divorce and alimony:

SECTION 1. That section 1 of an act entitled, "An act to require prepayment or security for costs in actions for divorce or alimony, or both; proviso," passed April 29, 1902, be amended to read as follows:

Prepayment or security for costs in actions for divorce or alimony.

Sec. 1. That no clerk of any court of common pleas in any county shall receive or file a petition for divorce or alimony, until the party named as plaintiff in such petition, or some other party on his or her behalf, shall make prepayment or deposit with the clerk of such an amount as will cover the costs which may likely accrue in such action, exclusive of attorney fee, or shall give such security for said costs as may in the judgment of the clerk be satisfactory; provided, that where any party plaintiff is without sufficient financial means, the clerk shall upon such party making affidavit of inability either to prepay or give security for costs, receive and file the petition of such party, said affidavit to be filed with the petition and treated as are other similar papers in such cases.

Proviso.

Repeals.

SECTION 2. That section 1 of an act entitled, "An act to require prepayment or security for costs in actions for divorce or alimony, or both; proviso," passed April 29, 1902, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

73G

[House Bill No. 421.]

AN ACT

To amend section 2642 of the Revised Statutes of Ohio, providing by ordinance for opening streets, etc.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2642 of the Revised Statutes of Ohio be amended so as to read as follows:

Municipal corporations; streets, public grounds, etc.:

Sec. 2642. When it is deemed necessary by the council of any municipal corporation to open, extend, straighten, alter, divert, narrow, or widen any street, alley, or public highway within the limits of such corporation, the council shall provide by ordinance for the same and such ordinance shall briefly, and in general terms, describe the part, if any, of said street, alley, or public highway to be abandoned by reason of such change thereof, and the property, if any, to be appropriated for such purposes, and the proceeding for such appropriation shall be as provided in chapter three, division seven of this title.

Provision to be made by ordinance for opening streets, etc.

SECTION 2. That said original section 2642 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

74G

[House Bill No. 199.]

AN ACT

To amend section 4 of an act entitled, "An act to authorize any township to establish a free public park," relative to park commissioners appropriating lands and materials for a free public park.

Be it enacted by the General Assembly of the State of Ohio:

Township park:

SECTION 1. That section 4 of an act entitled, "An act to authorize any township to establish a free public park," passed April 25, 1904, be amended so as to read as follows:

Board of township park commissioners; powers and duties.

Sec. 4. When the vote is in favor of establishing a free public park in any township, as above provided, the park commissioners appointed under section 1 of this act shall constitute a board, to be called the board of township park commissioners, and they shall serve without compensation. They shall have power to locate, establish, improve and maintain a free public park within and without such township, and to accept a conveyance of, purchase or appropriate suitable lands and materials for that purpose, within and without the township. It shall be their duty to have careful surveys and plats made of the lands acquired for park purposes, and establish permanent monuments of their boundaries; and such plats, when executed according to the law providing for the execution of plats by corporations, shall be admitted to and recorded in the office of the county recorder, and such record shall be admissible in evidence at all times for the purpose of locating and ascertaining the true boundaries of such park.

Repeals.

SECTION 2. That said original section 4 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

75G

[House Bill No. 115.]

AN ACT

To publish the report of the Ohio Vicksburg battlefield commission.

Whereas, The Ohio Vicksburg battlefield commission, having completed the work assigned them on Vicksburg national military park, by placing in position in said park, twenty-six (26) Ohio regimental monuments, twelve (12) battery monuments, and one (1) cavalry monument; and Preamble.

Whereas, It has been the custom of all preceding Ohio commissions of a similar nature, to publish the work of the commission, including a brief synopsis of the campaign or battle that said monuments were to commemorate; for free distribution to the surviving soldiers that participated in the campaign or battle, and to their widows and orphans, and

Whereas, In the judgment of said commission, the sum of three thousand two hundred and fifty dollars ($3,250.00) will be required to meet the expense of compiling and publishing said report; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the sum of three thousand two hundred and fifty dollars ($3,250.00) be, and the same is hereby appropriated out of any funds in the state treasury, to the credit of the general revenue fund, and not otherwise appropriated, to be used as hereinafter provided. Warrants for said expense of compiling and publishing said report, to be drawn by the auditor of state, on the treasurer of state, upon the presentation of vouchers or estimates properly approved by not less than four (4) members of said commission. **Appropriation to publish report of Ohio Vicksburg battlefield commission.**

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

76G

[House Bill No. 312.]

AN ACT

To supplement section 218 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, relating to museums of art.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That section 218 of an act entitled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be supplemented by adding thereto a supplementary section to be known as section 218*a* as follows:

City council authorized to levy tax to compensate private company for maintaining free art gallery.

Sec. 218*a*. The council of each city shall have power to levy and collect a tax not exceeding one-quarter of one mill on each dollar of the taxable property of the municipality, annually, and to pay the same to a private corporation or association maintaining and furnishing a free museum or gallery for the exhibition of paintings, sculpture and other works of art, and, in connection therewith, an academy for advancing, improving and promoting painting, sculpture, drawing, architecture and other fine arts, and furnishing instruction therein by lectures and otherwise, for the benefit of the inhabitants of the municipality as and for compensation for the use and maintenance of the same, and without change or interference in the organization of such corporation or association, requiring the treasurer of such corporation or association to make an annual financial report, setting forth all the money and property which has come into its hands during the preceding year, and its disposition of the same, together with any recommendation as to future necessities.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[Senate Bill No. 192.]

AN ACT

Providing for the election of one additional judge in the first subdivision of the second judicial district.

Be it enacted by the General Assembly of the State of Ohio:

Additional judge in Butler county.

SECTION 1. That there shall be elected in Butler county, the first subdivision of the second judicial district, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday in November, A. D., 1906, and every six years thereafter, one judge of the court of common pleas for the second judicial district, in addition to the number heretofore provided by law for said district. Said additional judge shall reside in Butler county, and shall be elected for the term of six years. His term shall begin on the first day of January next after his election. He shall exercise the same powers and jurisdiction and perform the same duties as other judges of the court of common pleas; and shall receive the same compensation as is provided by law for other judges of the court of common pleas in Butler county.

Beginning of term.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

78G

[Senate Bill No. 273.]

AN ACT

To provide for three judges of the court of common pleas in and for the first subdivision of the seventh judicial district by the creation of an additional judgeship.

Be it enacted by the General Assembly of the State of Ohio:

Additional judge for first subdivision of seventh district.

SECTION 1. That there shall be three judges of the court of common pleas of the seventh judicial district who shall reside in and be judges for the first subdivision thereof.

In addition to the constitutional judge residing in said subdivision and the additional judge provided for by the act of April 18, 1904, (97 O. L. pp. 108, 109 and 110) changing the lines of the subdivisions of said district and providing judges, there shall be an additional judge of said seventh district who shall reside in the first subdivision thereof and be elected by the qualified electors thereof, under the general laws governing elections in this state, in the same manner as other judges of the common pleas court are elected in this state.

Election and beginning of term.

SECTION 2. That the first election of said additional judge herein provided for shall be held at the general election on the first Tuesday after the first Monday in November, 1906, and his term of office shall begin at the expiration of the term of the incumbent judge of said subdivision who was elected and is now serving under the act of April 30, 1868, (65 O. L. pp. 126 and 127) to-wit: On July 6, 1908, at which time said judge ceases and is terminated by repeal under act of April 18, 1904.

Powers, duties, etc.

SECTION 3. The powers, duties, salary, emoluments, term of office and succession in office, and all other qualities of said judge and his successors shall be governed and fixed by the general laws of the state of Ohio touching and relating to common pleas judges.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 309.]

AN ACT

To amend section 4243b of the Revised Statutes, providing for the repair and building of line fences.

Be it enacted by the General Assembly of the State of Ohio:

Line fences: SECTION 1. That section 4243b of the Revised Statutes be amended so as to read as follows:

Meaning of term "owner." Sec. 4243b. In the provision of this chapter the terms "owner" shall apply to the owner of said land in fee simple, of estates for life, and of rights of way, while used by the owners thereof as farm outlets, but these proceedings shall not bind the said owners unless notified as provided in section 4243c of the Revised Statutes of Ohio.

Repeals. SECTION 2. That said original section 4243b be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
80G

[House Bill No. 270.]

AN ACT

To amend sections 2491, 3550*a* and 3551 of the Revised Statutes of Ohio, in relation to electric light franchises.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; gas and electric companies and plants: Contracts to supply municipality with electric light or gas.

SECTION 1. That section 2491 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2491. A municipal corporation may contract with such company for supplying, with electric light, natural or artificial gas, for the purpose of lighting or heating the streets, squares and other public places and buildings in the corporation limits.

SECTION 2. That sections 3550*a* and 3551 of the Revised Statutes of Ohio be amended so as to read as follows:

Gas companies and electric companies may manufacture and supply both electricity and gas; contracts with municipality.

Sec. 3550*a*. Every corporation organized under the laws of this state to manufacture and supply artificial gas for light, heat and power purposes or for any [of] such purposes, and every corporation organized under the laws of this state to manufacture and supply electricity for light, heat and power purposes, or for any of such purposes, shall, in addition to all powers heretofore conferred, have power, subject, however, to statutory provisions in force relating to the granting of franchises by municipalities for either of said purposes at the time of the granting of the franchise, to manufacture and supply electricity and artificial gas, respectively, for light, heat and power purposes and to make all contracts, and do all things necessary and convenient for furnishing the same for both public and private objects; provided nothing herein shall be held to confer any right to engage in any such business or to erect or maintain any structures in any streets, alleys or public places without the consent of the municipality in which same are to be constructed, and all ordinances and resolutions heretofore passed by any municipal corporation, and all contracts heretofore made by and between any municipality and any company so organized to manufacture and supply gas, which were and still are intended to provide for supplying electricity for any municipal purpose and as to which the time of performance has not commenced to run or has not expired, shall be as valid and binding as if this statute had been enforced when such ordinance or resolution was passed or any such contract was made.

Contracts to supply municipality with light and water.

Sec. 3551. The municipal authority of any city or village or the trustees of any township, in which any gas or water company is organized, may contract with any such company for lighting or supplying with water the streets, lands, lanes, squares and public places in such city, village, town or township.

SECTION 3. That said sections 2491, 3550a and 3551 of the Revised Statutes of Ohio be and the same are hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
81G

[Senate Bill No. 142.]

AN ACT

To supplement section 15 of an act passed April 27, 1896, entitled "An act to provide for the regulation of ship canal companies, and to define the powers thereof."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 15 of an act passed April 27, 1896, entitled "An act providing for the regulation of ship canal companies and to define the powers thereof," be supplemented by a section to be known as section 15a, as follows: Ship canal companies:

Sec. 15a. Any company now existing or hereafter created under the laws of another state, or of the United States, for the purpose of constructing, maintaining and operating with any kind of motive power, a ship canal partly within such other state and partly within this state, may exercise and enjoy within this state all its powers, privileges, faculties and franchises for the purpose of such ship canal and its business, not inconsistent with the laws of this state; and such companies shall be entitled to all the rights and privileges granted, and be subject to all the requirements and restrictions imposed by sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 and 15 of an act passed April 27, 1896, entitled "An act to provide for the regulation of ship canal companies, and to define the powers thereof," which said sections are hereby made applicable to such ship canal companies. Powers of company incorporated under laws of another state or United States.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
82G

[Senate Bill No. 194.]

AN ACT

Providing for the election of one additional judge in the third subdivision of the fifth judicial district.

Be it enacted by the General Assembly of the State of Ohio:

Additional judge for third subdivision of fifth district.

SECTION 1. That there shall be elected in Franklin county, the third subdivision of the fifth judicial district, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday in November, A. D., 1906, and every six years thereafter, one judge of the court of common pleas for the fifth judicial district, in addition to the number heretofore provided by law for said district. Said additional judge shall reside in Franklin county, and shall be elected for the term of six years. His term shall begin on the first day of January next after his election. He shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas; and shall receive the same compensation as is provided by law for other judges of the court of common pleas in Franklin county.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
83G

[House Bill No. 393.]

AN ACT

To amend section 3821*ggg* of the Revised Statutes of Ohio relating to title guarantee and trust companies.

Be it enacted by the General Assembly of the State of Ohio:

Savings and loan associations:

SECTION 1. That section 3821*ggg* of the Revised Statutes of Ohio relating to title guarantee and trust companies be amended so as to read as follows:

Title guarantee and trust companies; powers of.

Sec. 3821*ggg*. A title guarantee and trust company shall have power to prepare and furnish abstracts and certificates of title to real estate, bonds, mortgages and other securities, and to guarantee such titles and the validity and due execution of such securities, and the performance of contracts incident to such powers; to make loans for itself or as agent or trustee for others, and to guarantee the collection of interest and principal of such loans; to take charge of and sell, mortgage, rent or otherwise dispose of real estate for others, and to perform all the duties of an agent relative to property deeded or otherwise entrusted to it.

Amount of capital stock required; deposit with treasurer of state.

Provided, however, that no such company shall do business until the capital stock of said company shall amount to at least one hundred thousand dollars fully paid up, and until such company shall have deposited with the treasurer of state fifty thousand dollars in the securities permitted by sections 3637 and 3638 of the Revised Statutes of Ohio, and with the exception of the deposit aforesaid said capital shall be invested as a board of directors of said company may prescribe. The treasurer of state shall hold such fund or securities deposited with him as security for the faithful performance of all guarantees entered into by said company, but so long as said company shall continue solvent said treasurer shall permit it to collect the interest of, or dividends on, its securities so deposited, and from time to time withdraw such securities or any part thereof, on depositing with him cash or other securities of the kind heretofore named so as to maintain the value of said deposit at fifty thousand dollars. Provided, further, that any company organized under this act shall be limited in its operations to only one county in this state, which county shall be designated in its application for a charter, except, that in case any company organized under this act desires to issue its policies of title insurance in more than one county in this state such company shall be authorized to issue such policies in such other county or counties upon depositing with the treasurer of state an additional sum of fifty thousand dollars in securities as herein provided, for each and every additional county in which it proposes to operate.

Corporations organized under this act limited in operation to one county; exception, when may operate in more than one county.

Return of securities deposited in excess of amount required.

Any company heretofore organized for the purposes of guaranteeing titles to real property, which may have made deposits with the treasurer of state as required in section 3821*ggg* of the Revised Statutes of Ohio, may request said

treasurer of state to return to said company any securities in excess of the amount required in this section and said treasurer of state is hereby authorized and directed to surrender to such company any securities in excess of the amount herein required, taking proper receipts therefor. Title guarantee and trust companies shall make such reports to the state auditor as are required of safe deposit and trust companies and shall be subject to the same examinations and penalties as such companies; and it is hereby expressly provided that all companies doing the business of guaranteeing titles to real property shall comply with and be governed by the provisions of this act, and section 3641 of the Revised Statutes of Ohio shall not apply to such companies. Provided, however, that companies heretofore organized and which are doing business under section 3821*ggg* may continue their business thereunder without prejudice to any rights thereby acquired or obligations incurred.

Reports to auditor of state.

Repeals.

SECTION 2. That said section 3821*ggg* of the Revised Statutes of Ohio be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
84G

[House Bill No. 458.]

AN ACT

To amend section 13 of an act entitled "An act to authorize the improvement of public roads of townships and streets of villages therein," passed March 13, 1896, as amended April 22, 1904, relating to the improvement of public roads.

Be it enacted by the General Assembly of the State of Ohio:

Township roads:

SECTION 1. That section 13 of an act entitled "An act to authorize the improvement of public roads of townships and streets of villages therein," passed March 13, 1896, as amended April 22, 1904, be amended to read as follows:

Specifications as to improvement.

Sec. 13. No road or street shall be improved under the provisions of this act which is less than thirty feet in width, and shall be graded at least twenty feet in width; shall be turnpiked with earth so as to drain freely to the sides, and may be paved with brick, macadamized, raised with stone or gravel not more than sixteen feet in width, and not less than twelve inches thick in the center, nor less than eight inches thick at the outer edge of said bed of stone, and gravel well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent of the road be greater than seven degrees. The roads and streets shall be well provided with the necessary side drainings, wasteways, and under drains, to prevent overflowing or washing of water; and the commissioners of the county in which such township is located, shall, upon application of the township trustees, cause the necessary bridges and culverts on said roads to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road. Provided, that nothing in this section contained shall be construed so as to compel the county commissioners to construct any bridge which in their judgment could be avoided by a reasonable change in the road, or construct any bridge, when for the time being, on account of the financial condition of the bridge fund, they can not in their judgment, do so, without neglecting the needed repairing or construction of other bridges of greater public importance; and further provided that the county commissioners of any county and the township trustees of any township in the state of Ohio are hereby authorized and empowered to improve any county or township line road or public highway by jointly agreeing in regard thereto, and paying for said improvement under any plan and specifications authorized by law for road improvement in any county and township in the state of Ohio.

Bridges and culverts.

County commissioners and township trustees may jointly improve county or township road.

Repeals.

SECTION 2. That section 13 of an act entitled "An act to authorize the improvement of public roads of townships

and streets of villages therein," passed March 13, 1896, as amended April 22, 1904, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
85G

[House Bill No. 310.]

AN ACT

To amend section 4931 of the Revised Statutes of Ohio in relation to the national road.

Be it enacted by the General Assembly of the State of Ohio:

National road:

SECTION 1. That section 4931 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

National road in charge of county commissioners.

Sec. 4931. Commissioners of counties through which any part of the national road passes shall take under their care and control in behalf of their respective counties, so much of said road as lies within the limits of their counties respectively. Except such parts thereof as are or may be by law under control of cities or villages; said roads shall be kept in such repair by each county so taking possession thereof as is contemplated by the acts of congress ceding to the state the jurisdiction and control of such portion of said national road as lies within the limits of this state; and such commissioners shall be governed in all respects by the laws in force relating to said roads, except as hereinafter provided; but they shall not assess or levy any tax for the repair or preservation of said road, except as provided in the general statutes for the repair and preservation of county and state roads; provided that the county commissioners of any county through any part of which the said national road passes shall have authority to order the township trustees of any township through which any part of said road passes to take under their care and control so much of said road as lies within the limits of their respective townships; and such trustees shall be governed in all respects by the laws in force relating to the roads under their control.

May cause township trustees to take care of part of road in township.

SECTION 2. That said original section 4931 be, and hereby is repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
86G

[House Bill No. 212.]

AN ACT

To amend sections 3897*d*, 3897*e*, 3897*k* and 3897*l* of the Revised Statutes, relating to pensions for school teachers.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3897*d* and 3897*e* of the Revised Statutes of Ohio, as amended May 12, 1902, and sections 3897*k* and 3897*l* of the Revised Statutes, as enacted April 25, 1904, be amended so as to read as follows: School teachers' pension:

Sec. 3897*d*. Said board of education of said school district, and any union board, or other separate board, if any, having the control and management of the high schools of said school district, shall each of them have power by a majority vote of all the members composing said board to retire on account of physical or mental disability, any male or female teacher under such board who shall have taught for a period aggregating twenty (20) years, whether before or after, or partly before or after, the passage of this act; provided, however, that three-fifths of said period of service shall have been rendered by said beneficiary in the public schools or high schools of said school district, or in the public schools or high schools of the county in which said school district is located, and the remaining two-fifths of said period of service in the public schools of this state or elsewhere. Retirement and pension of teachers.

The term "teacher" under this act, shall include all teachers regularly employed by either of said boards in the day schools, including the superintendent of schools, all superintendents of instruction, principals, and special teachers, and in the estimation of years of service, only service in pub- Meaning of term "teacher."

lic day schools or day high schools, supported in whole or in part by public taxation, shall be considered. Any teacher shall have the right to retire and become a beneficiary under this act who shall have taught for a period aggregating thirty (30) years, whether before or after, or partly before or after, the passage of this act; provided, that three-fifths of said term of service shall have been rendered in the public schools or in the high schools of said school district, or in the public schools or high schools of the county in which said district is located, and the remaining two-fifths of said term of service in the public schools of this state or elsewhere. Each teacher so retired or retiring shall be entitled during the remainder of his or her natural life to receive as pension, annually, the sum of ten dollars ($10) for each and every year of service rendered as teacher, but in no event shall such pension paid to any teacher exceed the sum of three hundred dollars ($300) in any one year, and paid pensions shall be paid monthly during the school year; but in no event shall such pension be paid to any teacher until such teacher shall contribute, or shall have contributed, to said fund a sum equal to twenty dollars ($20) a year for each and every year of service rendered as teacher, but in no event shall this sum exceed six hundred dollars ($600); but should any teacher retiring be unable to pay the full amount of this sum before receiving a pension, the board of trustees shall, in paying the annual pension to such retiring teacher withhold on each month's payment twenty per cent. thereof, until the full amount as above provided shall have been thus contributed to the fund; provided further that if said pension fund shall at any time be insufficient to meet the pensions so provided for, that during the period that such fund is insufficient to make such payment, the amount in said fund during said period shall be prorated between the parties entitled thereto.

Amount of pension.

Who not entitled to pension.

How, when fund insufficient to pay pensions.

Use of principal and income.

Sec. 3897*e*. Said board of trustees shall have the power to use both the principal and income of said fund for the payment of the premiums herein provided for, and the expense thereof, but this shall not apply to the principal of moneys received from donations, legacies, gifts, bequests, or other such sources. No portion of said pension fund shall, before its distribution and payment by said board of trustees to the beneficiaries, be liable to be taken or subjected by any writ or legal process against the beneficiary.

Pension funds.

Sec. 3897*k*. The board of education in any school district which has created, or shall hereafter create, a teachers' pension fund, shall pay monthly into said teachers' fund all deductions from the salaries of teachers on account of tardiness or absence of such teachers.

Pension funds.

Sec. 3897*l*. The board of education in any school district which has created, or shall hereafter create, a teachers' pension fund, shall pay, semiannually, from the contingent fund of such school district into said teachers' pension fund, not less than one per cent. nor more than two per cent. of the gross receipts of said board of education raised by taxa-

tion, which shall be applied to the payment of teachers' pensions, as herein and hereinbefore provided.

SECTION 2. That sections 3897*d* and 3897*e*, as amended May 12, 1902, and sections 3897*k* and 3897*l*, as enacted April 25, 1904, be, and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
87G

[House Bill No. 430.]

AN ACT

To provide for the appointment of police justices in villages by re-enacting section 1831 of the Revised Statutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1831 of the Revised Statutes be re-enacted as follows: **Municipal corporations; villages:**

Sec. 1831. In villages the council may, upon the recommendation of the mayor, by an affirmative vote of two-thirds of all the members elected, appoint some justice of the peace, resident of the corporation, or if there be no such justice of the peace, other suitable person resident of the corporation or a justice of the peace for the township in which such corporation is situate, police justice, who shall, during the term of office of such mayor, unless removed on suggestion of such mayor by a two-thirds vote of all the members of the council, have concurrent jurisdiction of all prosecutions for violations of ordinances of the corporation with full power to hear and determine the same, and shall have the same powers, perform the same duties, and be subject to the same responsibilities in all such cases as are prescribed in the Revised Statutes of Ohio, to be performed by and are conferred upon the mayors of such corporations. Any person so appointed police justice, other than a justice of the peace, shall take an oath of office and give bond in such sum for the faithful performance of his duties as the council may require. **Appointment of police justice; powers and duties.**

Repeals.

SECTION 2. That said original section 1831 as amended May 2, 1902, is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
88G

[House Bill No. 118.]

AN ACT

To amend sections 1273, 1274, 1297 and 1298 of the Revised Statutes and to repeal sections 1282*a*, 1282*b* and 1282*c* of the Revised Statutes, and sections 2 and 3 of an act entitled, "An act to amend section 1282*a* of the Revised Statutes, as amended April 27, 1896," passed April 21, 1898, and section 1 of an act entitled, " An act relative to the expenses of certain officers of Brown county," passed April 16, 1900, relating to the salaries of prosecuting attorneys.

Be it enacted by the General Assembly of the State of Ohio:

Prosecuting attorney:

SECTION 1. That sections 1273, 1274, 1297 and 1298 of the Revised Statutes be amended so as to read as follows:

General duties of the prosecuting attorney.

Sec. 1273. The prosecuting attorney shall prosecute on behalf of the state all complaints, suits and controversies in which the state is a party, and such other suits, matters and controversies as he is directed by law to prosecute within or without the county, in the probate court, common pleas court, circuit court, and he shall also prosecute cases in the supreme court in cases arising in his county, in conjunction with the attorney-general; and in every case of conviction, he shall forthwith cause execution to be issued for the fine and costs, or costs only, as the case may be, and faithfully urge the collection until it is effected, or it is found to be impracticable; and shall forthwith pay over to the county treasurer all moneys belonging to the state or county, which come into his possession for fines, forfeitures, costs or otherwise.

He shall be the legal adviser of the county and township officers.

Sec. 1274. The prosecuting attorney shall be the legal adviser of the county commissioners and all other county officers and any and all of them may require of him written

opinions or instructions in any matters connected with their official duties; he shall also perform all duties and services as are required to be performed by legal counsel under section 845 and he shall further be the legal adviser for all township officers, and no county or township officer shall have authority to employ any other counsel or attorney at law; at the expense of the county, except on the order of the county commissioners or township trustees according as the services engaged are to be rendered for a county or township board or officer, duly entered upon its journal, in which order the compensation to be paid for legal services shall be fixed; but this section shall not be construed to affect the provisions of sections 1271 and 7196 nor to prevent any board of township trustees or any school board from employing counsel to represent them; and such counsel, if employed by the township trustees, shall be paid from the township fund, and if employed by the school board, shall be paid from the school fund.

Salary.

Sec. 1297. The prosecuting attorney shall receive an annual salary, not exceeding the sum hereinafter mentioned in each county of the state; sixty dollars for each full one thousand of the first fifteen thousand of the population of the county as shown by the federal census next preceding his election; fifty dollars for each full one thousand of the second fifteen thousand of the population of the county; sixty dollars for each full one thousand of the third fifteen thousand of the population of the county; forty dollars per thousand for each full one thousand of the fourth fifteen thousand of the population of the county; thirty dollars per thousand for each full one thousand of the fifth fifteen thousand of the population of the county; ten dollars per thousand for each full one thousand of the sixth fifteen thousand of the population of the county; ten dollars per thousand for each full one thousand of the population of the county in excess of ninety thousand; but no prosecuting attorney shall receive a salary in excess of five thousand five hundred dollars.

Maximum salary.

Such salary is to be paid in equal monthly installments, out of the general fund. Such salary shall be in full and in lieu of all compensation consisting of salaries and fees heretofore paid to prosecuting attorneys for their services as such, and in full payment for all services required by law to be rendered in an official capacity on behalf of the county or its officers, whether the same relates to either criminal or civil matters.

Expenses.

Sec. 1298. In addition to his salary, the prosecuting attorney shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties, or in furtherance of justice, which expense account shall be itemized and duly verified, and shall, if found correct, be allowed by the county commissioners and be paid monthly out of the general revenue fund of the county.

Repeals.

SECTION 2. That sections 1273, 1274, 1297, 1298, 1282*a*, 1282*b* and 1282*c* of the Revised Statutes, and sec-

tions 2 and 3 of an act entitled, "An act to amend section 1282*a* of the Revised Statutes, as amended April 27, 1896," passed April 21, 1898, and section 1 of an act entitled, "An act relative to the expenses of certain officers of Brown county," passed April 16, 1900, relating to the salaries of prosecuting attorneys, an act entitled, "An act relative to expenses of certain officers of Brown county," passed April 16, 1900, and all acts or parts of acts inconsistent herewith, be and the same are, hereby repealed.

Existing contracts made by commissioners shall remain in force.

SECTION 3. Existing contracts made by boards of county commissioners of any county in accordance with section 845 of the Revised Statutes of Ohio, shall remain in full force and effect.

Commissioners shall allow compensation for legal advice from Jan. 1 to April 16, 1906.

SECTION 4. The county commissioners at their May, 1906, session, after the passage of this act, shall make the prosecuting attorney, such allowance as they think proper for his legal advice to the county officers, for that portion of the year 1906, from January 1, to the date of the passage of this act.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

89G

[House Bill No. 621.]

AN ACT

Authorizing any county to provide a portion of the funds necessary to defray the expenses of the celebration of the one hundredth anniversary of the formation of the county.

Be it enacted by the General Assembly of the State of Ohio:

County commissioners authorized to appropriate money for county centennial celebrations, after submission of question to vote.

SECTION 1. The commissioners of any county are hereby authorized to appropriate out of the county fund the sum of fifteen thousand dollars toward defraying the expense of county centennial celebrations, upon a ratification thereof by a majority of votes cast at the November election at which time there shall be submitted by the proper board or authority the question as to such ratification by the usual method and form of submitting questions for submission to the voters of a county, in this case, viz.:

"For the county centennial celebration of....., Yes."

"For the county centennial celebration of....., No."

Board of centennial managers; how selected, etc.

SECTION 2. The said assisting sum shall be by said commissioners paid only to the order of a board of centennial managers, consisting of two members from each of the townships of said county, and then only upon vouchers duly authenticated by the president and secretary or by the executive committee of said board of managers, such vouchers showing date of expenditure, purpose for which expended and name of the person to whom payable. Each township shall have authority at said November election in a separate box provided therefor to select by ballot its two managers in the two persons who shall receive the largest number of votes therefor, and said managers shall serve in all capacities connected with said board without compensation as salary.

Disposition of money not used.

SECTION 3. Any portion of said fund not appropriated and used for the purposes of this act shall remain in and belong to the county and not be expended otherwise than as other moneys in the county fund.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

90G

[House Bill No. 463.]

AN ACT

To amend sections 12, 13, 18 and 24 of an act passed October 22, 1902, (96 O. L. 20) entitled, "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such powers as [is] required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," relative to the appropriation of real estate—and the lease or sale thereof.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; appropriation of real estate; sale or lease of property:

SECTION 1. That sections 12, 13, 18 and 24 of an act passed October 22, 1902, entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit so as to prevent the abuse of such power as is required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," be amended to read as follows:

Resolution and notice of intent to appropriate.

SEC. 12. Whenever it is deemed necessary to appropriate property, council shall pass a resolution, declaring such intent, defining the purpose of the appropriation, and setting forth a pertinent description of the land, and the estate or interest therein desired to be appropriated; and for waterworks purposes the council may appropriate such property as it may determine to be necessary; and immediately upon the passage of such resolution, declaring such intent, for which but one reading shall be necessary, the mayor shall cause written notice thereof to be given to the owner, person in possession thereof, or having an interest of record in, every piece of property sought to be appropriated, or to his authorized agent, and such notice shall be served by a person designated for the purpose, and return made in the manner provided by law for the service and return of summons in civil actions, and in case said owner, persons, or their agents, cannot be found, notice shall be given by publication once a week for three consecutive weeks in a newspaper of general circulation in the corporation, and council may thereupon pass an ordinance by the votes of two-thirds of all members elected thereto, directing said appropriation to proceed.

Ordinance.

Application to court, etc.

SEC. 13. Upon the passage of the aforesaid ordinance, the solicitor shall make application to the court of common pleas or to a judge in vacation, to the probate court, or to the insolvency court, in the county in which the land sought to be taken is located, which application shall describe as correctly as possible the land to be appropriated, the interest or estate therein to be taken, the object proposed, and the name of the owner of each lot or parcel thereof.

Orders as to payment or deposit of assessment.

SEC. 18. The court shall make such order as to payment, deposit or distribution of the amounts assessed as may seem proper, may require adverse claimants to all or any

part of the money or property to interplead and fully determine their rights in the same proceeding and may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order giving possession; and upon the payment or deposit, by the corporation, of the amount assessed, as ordered by the court, an absolute estate in fee simple shall be vested in said corporation, unless a lesser estate or interest is asked for in the application, in which case such lesser estate or interest as is so asked for shall be vested; and any municipal corporation shall have the power to again appropriate, in conformity with the provisions of this act, any real estate which it has previously, lawfully appropriated, in order to perfect, in it, a title in fee simple absolute to such previously appropriated real estate.

Effect of payment or deposit.

Sec. 24. No contract for the sale or lease of any real estate shall be made unless authorized by an ordinance, approved by the votes of two-thirds of all members elected to the council, and by the board or officer having supervision or management of such real estate, and when such contract is so authorized, it shall be made in writing by the board or officer having such supervision or management and only with the highest bidder, after advertisement once a week for five (5) consecutive weeks in a newspaper of general circulation within the corporation, provided that such board or officer may reject any or all bids and readvertise until all such real estate is sold or leased, as the case may be: provided, that whenever any city owns real estate suitable for the location of a passenger railroad station, and council shall by ordinance declare that it is necessary that such land be devoted to such use, it shall be competent for such city to sell or lease or exchange such land to such railroad or railroads for such purpose in the following manner: An ordinance authorizing and directing the mayor of the city to deed or lease the land shall be passed; council shall fix in such ordinance by metes and bounds the amount of land to be sold, leased or exchanged, the quantity of interest sold, leased or exchanged, and the consideration to be paid or exchanged therefor by such railroad or railroads, and in such ordinance shall call thereon a special election, to be held upon a day fixed by said ordinance not less than thirty (30) days from the passage thereof, and a majority of all the votes cast on such proposition shall be necessary to its ratification, and when so ratified, said ordinance shall be effective, and the mayor shall proceed to execute a deed of conveyance or lease of said property as therein provided, and in holding such special election, the provisions of section 2837, Revised Statutes, shall apply.

Lease or sale of real estate; procedure.

Procedure for sale or lease of site for passenger railroad station.

SECTION 2. That said original sections 12, 13, 18 and 24 be and the same are hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
91G

[House Bill No. 322.]

AN ACT

Making sundry appropriations to pay the interest on the irreducible debt.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation to pay interest on irreducible debt.

SECTION 1. That there be, and is hereby, appropriated, from any money that may be in the state treasury, or that may come into the state treasury, belonging to the sinking fund, the following sums, for the purposes hereinafter named:

For interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university, and Ohio state university funds, falling due January 1, 1906, and January 1, 1907.....$585,000 00

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
92G

[House Bill No. 21.]

AN ACT

To repeal section 7066 of the Revised Statutes of Ohio to remove limitation, in which time, prosecutions may be brought for violation of election laws.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 7066 of the Revised Statutes of Ohio, be and the same is hereby repealed. Repeals.

SECTION 2. That section 35 of the ballot act (2966-51) as amended in 89 O. L. page 452, be amended so as to read as follows: Violation of election laws.

Sec. 35. A person offending against any provision of sections 32, 33 and 34 (§§(2966-48), (-49), (-50)) of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or investigation in the same manner as any other person. But the testimony as given shall not be used in any prosecution or proceeding, civil or criminal against the person so testifying. A person so testifying shall not be liable thereafter to indictment, prosecution or punishment, for the offense with reference to which his testimony may be given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution. When a person is convicted of any offense described in section 32 (§(2966-48)) of this act, he shall, in addition to the punishment therein prescribed, forfeit any office to which he may have been elected at the election with reference to which such offense was committed, and when a person is convicted of any offense mentioned in section 33 (§(2966-49)) of this act, he shall in addition to the punishment therein prescribed, be excluded from the right of suffrage for a period of five years after such conviction. Offender compelled to testify.

SECTION 3. That said original section 35, as amended in 89 O. L. 452, be and the same is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

93G

[House Bill No. 335.]

AN ACT

To make appropriation for installing electric light and power plant in the state house.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for electric light and power plant for state house.

SECTION 1. That the following sum, for the purpose hereinafter specified, be and the same is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

For electric light and power plant for state house, and power for elevators and ventilating fans; or for installing electric wiring, fixtures and Nernst lamps in the state capitol building and annex as per the plans and specifications hereto attached $25,000 00

Commission to draw plans and install plant or enter into contract for same.

And the governor, adjutant general and auditor of state are hereby created a commission to draw plans and install plant at once, or enter into a contract for the installation of electric wiring, fixtures and Nernst lamps as per the plans hereto attached said plant or the electric wiring, fixtures and Nernst lamps not to cost more than the amount appropriated; and whatever less it shall cost than the amount appropriated, the sum shall be retained in the state treasury for general purposes. The commission is hereby authorized to either install an electric light and power plant in the state house, or install the electric wiring, fixtures and Nernst lamps in the state capitol building and annex and to issue warrants for the payment for the installation of said electric light and power plant, or electric wiring, fixtures and Nernst lamps the sum of twenty-five thousand dollars, or as much of said sum as is needed to complete said plant, or electric wiring, fixtures and Nernst lamps as per the plans and specifications hereto attached, said plant not to cost more than the amount appropriated; and whatever less it shall cost than the amount appropriated, the sum shall be retained in the state treasury for general purposes. The commission is hereby authorized to issue warrants for the payment for the installation of said electric light and power plant, the sum of twenty-five thousand dollars, or as much of the said sum as is needed to complete said plant.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
94G

[House Bill No. 387.]

AN ACT

To prevent explosion of dust charged air and gas in mines.

Be it enacted by the General Assembly of the State of Ohio:

Entry or airway to mine must be sprinkled or cleaned so that air will not become charged with dust.

SECTION 1. In case any entry or airway of any mine is so dry that the air becomes charged with dust the operator, or whoever is operating said mine, as owner, lessee, agent or in any capacity shall have such entry or airway regularly and thoroughly sprayed and sprinkled with water or cleaned in such manner that the air will not become charged with dust.

Mine inspectors required to enforce preventive measures necessary for safety of miners.

SECTION 2. It shall be the duty of the state mine inspectors to enforce all possible preventive measures necessary to maintain the safety of the persons employed in any mine against the gathering or accumulating of any combustible matter that is explosive in its nature, and shall cause the operator or whoever is operating such mine as owner, lessee, agent or in any capacity, to immediately remove any such gathered or accumulated matter.

Penalty against operator for failure to comply with provisions of this act.

SECTION 3. Any operator, or whoever is operating such mine as owner, lessee, agent or in any capacity, who shall neglect or refuse to comply with the conditions required to be performed by sections one (1) and two (2) of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding five hundred dollars ($500) nor less than two hundred dollars ($200), at the discretion of the court.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
Passed March 31, 1906. *President of the Senate.*

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
95G

[House Bill No. 154.]

AN ACT

To amend section 2478 of the Revised Statutes of Ohio, authorizing council to regulate natural gas, electric light and water companies.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; gas and electric companies and plants:

SECTION 1. That section 2478 of the Revised Statutes of Ohio, as amended April 20, 1904, be amended so as to read as follows:

Council may regulate price of electric light, gas and water.

Sec. 2478. The council of any city or village in which electric lighting companies, natural or artificial gas companies, or gas light or coke companies, or companies for supplying water for public or private consumption, may be established, or into which their wires, mains or pipes may be conducted, are hereby empowered to regulate from time to time, the price which said electric lighting, natural or artificial gas, gas and coke companies, or companies for furnishing water for public or private consumption, may charge for electric light, or for gas or lighting or fuel purposes, or for water for public or private consumption, furnished by such companies to the citizens, public grounds, and buildings, streets, lanes, alleys, avenues, wharves, and landing places, or for fire protection; and such electric lighting, natural or artificial gas, gas light or coke companies or companies for furnishing water for public or private consumption, shall in no event, charge more for any electric light, or natural or artificial gas, or water, furnished to such corporation or individuals, than the price specified by ordinance of such council; and such council shall also have power to regulate and fix the price which such companies shall charge for the rent of their meters, and may, in the ordinance regulating the price which such companies may charge for electric light, gas or water, provide that such price shall include the use of meters to be furnished by such companies, and in such case meters shall be furnished and kept in repair by such companies and no separate charge shall be made, either directly or indirectly, for the use or repair of the same.

May require meters to be furnished without extra charge.

Repeals.

SECTION 2. That said original section 2478, as amended April 20, 1904, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

96G

[Senate Bill No. 168.]

AN ACT

Amend sections 567, 1442, as amended March 17, 1904, (97 v. 37), sections 1445, 1448 and 1451 as amended April 23, 1904 (97 v. 185), and section 1452 of the Revised Statutes of Ohio, and also section 222 of the act of October 22, 1902 (96 v. 20), as amended March 17, 1904 (97 v. 37), so as to conform to the constitutional provisions relating to biennial elections.

Be it enacted by the General Assembly of the State of Ohio:

Township and municipal officers:

SECTION 1. That sections 567 and 1442, as amended March 17, 1904 (97 v. 37), sections 1445, 1448 and 1451, as amended April 23, 1904, (97 v. 185), and section 1452 of the Revised Statutes of Ohio, and also section 222 of the act of October 22, 1902, (96 v. 20), as amended March 17, 1904, (97 v. 37), are so amended as to read as follows:

Justices of the peace; vacancies to be filled by appointment by trustees.

Sec. 567. When a vacancy occurs in the office of justice of the peace in any township, either by death, removal, absence at any time for the space of six months, resignation, refusal to serve, or otherwise, the trustees, having notice thereof, shall, within ten days from and after such notice, fill any such vacancy by appointing a suitable and qualified resident of the township who shall serve as justice until the next regular election for justice of the peace, and until his successor is elected and qualified; and the votes of a majority of the trustees shall be necessary to appoint. At the next regular election for such office some suitable person shall be elected justice in the manner provided by law, for the term of four years commencing on the first day of January next thereafter; and the clerk of the court, in certifying to the secretary of state the appointment of a justice of the peace to fill any such vacancy, shall specify in his certificate, the name of the justice of the peace whose place is supplied by the person whose appointment is so certified, and also the date when such vacancy occurred; and to enable the clerk of the court to comply with so much of this section as relates to his duties, the trustees shall notify him of any such vacancy, and the date when it occurred; and in case the election of an additional justice of the peace in any township is authorized by the proper authority, the clerk of the court, in certifying his election to the secretary of state, shall state in his certificate that he is such additional justice of the peace, so authorized and elected.

Election and term.

Notice to county clerk by trustees.

Officers of civil townships; election and beginning of term.

Sec. 1442. Township officers shall be chosen for a term of two years and justices of the peace for a term of four years, by the electors of each township, on the first Tuesday after the first Monday in November in the odd numbered years, and their terms of office shall commence on the first day of January next after their election.

Notice of township election.

Sec. 1445. At least twenty days before the regular election for township officers, the trustees shall issue their warrant to a constable of the township, directing him to

notify the electors of such township to assemble at the time and place appointed for the regular election, and such warrant shall enumerate the officers to be chosen at such election; and, on application of two or more freeholders of the township, for that purpose, the trustees shall insert in such warrant such other question, if any, as may be proposed to be submitted at such election.

Election of township officers.

Laws governing judges and clerks.

Tie vote.

Sec. 1448. There shall be elected in each township one township clerk, three trustees, one township treasurer and such number of constables as may be directed by the trustees, and the judges and clerks in discharging their duties at such election shall be governed in all respects by the law regulating elections; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices directed to be filled, the clerk of the township shall determine by lot which of the persons is duly elected.

Vacancy in township office, trustees shall fill.

Sec. 1451. If, by reason of nonacceptance, death, or removal of a person chosen to any office in any township, except trustees, at the regular election, or upon the removal of the assessor from the precinct or township for which he has been elected, or there is a vacancy from any other cause, the trustees shall appoint a person having the qualifications of an elector to fill such vacancy for the unexpired term.

Filling of vacancy in office of trustees.

Sec. 1452. When a township for any cause is without a board of trustees or there is a vacancy in the board of trustees of a township, the justice of the peace of such township holding the oldest commission, or in case the commission of two or more of such justices bear even date, then the justice oldest in years, shall appoint a suitable person or persons, having the qualifications of electors in such township to fill the vacancy or vacancies for the unexpired term.

Municipal officers; election and beginning of term.

Sec. 222. All elective municipal officers, and judges and clerks of police courts and assessors shall be chosen on the first Tuesday after the first Monday in November in the odd numbered years, for a term of two years, except judges of police courts who shall be chosen for a term of four years, and their respective terms of office shall commence on the first day of January next after their election.

Repeals.

SECTION 2. That sections 567, 581 and 1442, as amended March 17, 1904, (97 v. 37); 1442 as amended March 29, 1904, (97 v. 62); 1445, 1448 and 1451, as amended April 23, 1904, (97 v. 185), and section 1452 of the Revised Statutes of Ohio; and section 222 of the act of October 22, 1902, (96 v. 20), as amended March 17, 1904, (97 v. 39), are repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
97G

[Senate Bill No. 140.]

AN ACT

To amend section 3 of an act entitled "An act to provide for the organization, regulation and inspection of building and loan associations and to repeal certain laws therein named," passed May 1, 1891, in relation to payment of moneys to minors when such associations are in process of liquidation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3 of an act entitled "An act to provide for the organization, regulation and inspection of building and loan associations, and to repeal certain laws therein named," passed May 1, 1891, be amended so as to read as follows:

Building and loan associations:

Sec. 3. Such corporation shall have power: To receive money on deposit from time to time to the extent necessary to meet the demands made on it by its members and depositors, but shall not pay interest thereon, exceeding the legal rate.

Powers.

Deposits.

To issue stock to members on such terms and conditions as the constitution and by-laws may provide; but no person shall vote more than twenty shares in any such corporation in his own right.

Stock.

To assess and collect from members and depositors such dues, fines, interest and premium on loans made, or other assessments, as may be provided for in the constitution and by-laws. Such dues, fines, premiums or other assessments shall not be deemed usury, although in excess of the legal rate of interest.

Dues, fines, interest and premium.

To permit members to withdraw all or part of their stock deposits upon such terms as the constitution and by-laws may provide. Any member, however, who withdraws his entire stock or whose stock has matured, shall be entitled to receive all dues paid in and dividends declared, less all fines or other assessments, and less a pro rata share of all losses, if any have occurred.

Withdrawals.

To cancel shares of stock upon which all payments have been withdrawn, or upon which loans have been cancelled, and reissue them as new stock.

Cancellations.

To issue stock to minors and permit the same to be withdrawn as other stock, to receive deposits by or for minors, and to pay the same to such minors, or upon their

Stock of minors.

order to their natural guardian or to the person having the custody, control and maintenance of such minor, and the receipt of such minor or of such guardian or such other person shall be a valid acquittance of the rights of such minor.

Real estate and personal property.

To acquire, hold, encumber and convey such real estate and personal property as may be necessary for the transaction of its business or necessary to enforce or protect its securities.

Borrowing money.

To borrow money, not exceeding twenty per cent. of the assets, and issue its evidences of indebtedness therefor.

Loans.

To make loans to members and depositors on such terms, conditions, and securities as may be provided in the constitution and by-laws.

Cancellation of loans.

To cancel such loans and release the securities on such terms as the board of directors may provide. But any member may have his loan cancelled upon the following terms, to-wit. After the premium for one year has been paid, and also the interest and premium up to the date of cancellation, the borrower shall pay the sum actually borrowed, less the dues paid and dividends credited. He shall pay also any fines or other assessments required by the constitution or by-laws.

Reserve fund.

To accumulate from the earnings and invest as the board of directors may determine, a reserve fund, for the payment of contingent losses.

Dividends.

To make such annual or semiannual distribution of the earnings (after paying expenses and setting aside a sum for the reserve fund as hereinafter provided), as the constitution and by-laws may prescribe.

Increase or decrease of capital or face value of shares.

To increase or decrease its authorized capital or the face value of its shares at any time by a majority vote of its board of directors; and a certificate of such action shall be made by the president and secretary, and duly filed with the secretary of the state.

Dissolution.

To dissolve the corporation when its continuance shall be deemed, by a majority vote of its members, to be no longer desirable, subject, however, to the vested rights of members.

Constitution and by-laws.

To provide, by constitution adopted by its members, and by-laws adopted by its board of directors, for the proper exercise of the powers herein granted, and the conduct and management of its affairs.

General powers.

All such other powers as are necessary and proper to enable such corporation to carry out the purpose of its organization.

Repeals.

SECTION 2. That the original section of 3 of the Revised Statutes of Ohio be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

98G

[House Bill No. 545.]

AN ACT

To authorize the election of one additional judge of the court of common pleas in the second subdivision of the fourth judicial district.

Be it enacted by the General Assembly of the State of Ohio:

Additional judge in second subdivision of fourth district.

SECTION 1. That there shall be elected in the second subdivision of the fourth judicial district of said state, being the counties of Lorain, Medina and Summit, by the electors thereof, under and pursuant to the general election laws of the state of Ohio governing the election of judges of the common pleas court, at the general election to be held on the first Tuesday after the first Monday in November, A. D., 1906, one judge of the court of common pleas for the fourth judicial district, in addition to the number heretofore provided by law for said district. Said additional judge shall reside in said second subdivision of said district, and shall be elected for the term of six years. His term shall begin on the first Monday of January following his election. He shall exercise the same powers and jurisdiction, and perform the same duties as other judges of the court of common pleas, and shall receive the same compensation as is now provided by law for other judges of the court of common pleas residing in said subdivisions; and any vacancy which may occur in the office of such additional judge by death or resignation shall be filled as in other cases of vacancy in the office of judge of said court; provided that said additional judgeship created under the provisions of this act shall terminate at the expiration of said term of six years.

C. A. THOMPSON,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

99G

[House Bill No. 14.]

AN ACT

To amend section 6a of an act entitled " An act to amend sections 83 and 3908 of the Revised Statutes, and sections 6 and 7, and to supplement section 9 of an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' to re-enact sections 4 and 5, and to supplement sections 6, 21 and 31 of an act entitled 'An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and to prevent fraud and intimidation at the polls, and to repeal certain sections therein named,' passed April 30, 1891,' passed April 18, 1892, as amended April 25, 1893, and to repeal certain sections herein named," passed April 5, 1894, and amended April 17, 1896.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 6a of an act entitled "An act to amend sections 83 and 3908 of the Revised Statutes, and sections 6 and 7, and to supplement section 9 of an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' to re-enact sections 4 and 5, and to supplement sections 6, 21 and 31 of an act entitled 'An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and to prevent fraud and intimidation at the polls, and to repeal certain sections therein named,' passed April 30, 1891,' passed April 18, 1892, as amended April 25, 1893, and to repeal certain sections herein named," passed April 5, 1894, and amended April 17, 1896, be amended so as to read as follows:

Substitution of name of candidate of other party or nominee by petition unlawful.

Sec. 6a. It shall not be lawful, however, for any committee, appointed for the purpose of filling vacancies, in cases where no nominations were made originally for a particular office, to name a candidate of another political party for said office, or to name a candidate nominated by petition, it being the intent of this act that when the nomination of a candidate of one party is endorsed by another that it shall be done at the time and in the manner provided for original nominations.

Repeals.

SECTION 2. Said original section 6a is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

100G

[House Bill No. 77.]

AN ACT

To prohibit the competition of prison labor with free labor and to provide for the employment of prisoners in jail and at the prisons upon the manufacture of crushed stone, brick, draining and ballasting material, for the repair and construction of public roads and for the employment of jail and state penitentiary prisoners in the manufacture of road building materials.

Be it enacted by the General Assembly of the State of Ohio:

Employment of convicts in Ohio penitentiary or Ohio state reformatory; product or profit of work shall not be disposed of to private person or company, but only to state or public institutions thereof.

SECTION 1. The board of managers of the Ohio penitentiary and the board of managers of the Ohio state reformatory, shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in the Ohio penitentiary or the Ohio state reformatory in this state, or the product or profit of his work shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation; except that the convicts in said penal institutions may work for, and the products of their labor may be disposed of, to the state or any political division thereof, or for and to any public institution owned or managed and under the control of the state or any political division thereof, for the purposes and according to the provisions of this act.

Act not to affect existing contracts for employment of convict labor.

Provided, however, this act shall not be construed to invalidate any legal contract now in force between the board of managers of any state penal institution, and any person, firm or corporation now employing convict labor. The board of managers of any state penal institution may contract for such labor in any such institution as is not employed under the provisions of this act in the same manner as contracts are made prior to the passage of this act, provided, however, that no such contract shall be entered into to continue for longer than twelve months after the passage of this act; nor shall any such contract be entered into after the expiration of said twelve months.

Proviso.

Nature of work to be done by convicts at Ohio penitentiary and Ohio state reformatory.

SECTION 2. The board of managers of the Ohio penitentiary and the board of managers of the Ohio state reformatory, shall so far as practicable cause all the prisoners serving sentences in said institutions who are physically capable of such labor to be employed at hard labor, for not to exceed 9 hours of each day, other than Sundays and public holidays, but such hard labor shall be for the purpose of the manufacture and production of supplies for said institutions, or for the state, or any political division thereof, or for any public institution owned and managed and controlled by the state or any political division thereof, or for the preparation and manufacture of building material for the construction or repair of any state institution, or in the work of such construction or repair, or for the purpose of industrial training and instruction, or partly for one and part-

ly for the other of such purposes, or in the manufacture and production of crushed stone, brick, tile, and culvert pipe, suitable for draining wagon roads of the state, or in the preparation of road building and ballasting material, such tile, brick, and culvert pipe and road building material and such products of convict or prison labor as are to be used in the construction or repair of the public roads, to be furnished the political divisions of Ohio, at cost. The convicts from the Ohio penitentiary shall not be intermingled with convicts from the Ohio state reformatory.

Township trustees and county commissioners authorized to make requisition on penitentiary or reformatory managers for necessary supplies, material, etc.

SECTION 3. The township trustees of any township or the board of commissioners of any county may make application to the board of managers of the Ohio penitentiary or to the board of managers of the Ohio state reformatory for any supplies manufactured under the provisions of this act or for any road building material, machinery, tools or other appliances that may be manufactured under the provisions of this act by convict labor that may be needed or required by them for the public institutions under their charge or for the construction, improvement or repairing of the public roads in their respective townships or counties, obligating themselves to use such road material according to rules and regulations approved by the state highway commissioner.

Penitentiary and reformatory managers authorized to lease or purchase beds of limestone or other road building material.

SECTION 4. The board of managers of the Ohio penitentiary and the board of managers of the Ohio state reformatory, are hereby empowered to lease or purchase beds of limestone, or beds of other suitable road building material, which material is first approved by the state highway commissioner as being suitable for the construction of roads, but no contract for the purchase or leasing of the same shall be made until the same is approved by the governor of Ohio and by the state highway commissioner. The

May lease and operate plant for manufacture of brick or road building material and supplies.

board of managers of the Ohio penitentiary or the board of managers of the Ohio state reformatory may lease and operate any plant for the manufacture of brick or road building material or supplies, needed for the construction or maintenance of public roads, which shall be furnished to any township or county proportionately as demanded and at cost, but no contract for the lease of such plant as provided in section 4, shall be operative until approved by the governor and the state highway commissioner. Any such bed of limestone, or beds of other suitable road building material or any plant for the manufacture of road building material or supplies or machinery, as herein provided, shall be operated by prison or convict labor, and in no case shall the products thereof be disposed of except to any township or county in the state of Ohio for the construction or repair or maintenance of public roads outside of the limits of incorporated cities or villages, provided, however, that no contract shall be made under the provision of this act except the money to pay for same has been appropriated according to law to carry out the provisions thereof.

County commissioners authorized to lease or purchase beds of limestone or other road building material. May lease and operate plant for manufacture of brick or other road building materials or supplies.

SECTION 5. The board of commissioners of any county are hereby authorized to purchase or lease beds of limestone, or beds of other suitable road building material, such material to be first approved by the state highway commissioner as being suitable for the construction of roads, or may lease and operate any plant for the manufacture of brick or other road building materials or supplies needed for the construction or maintenance of public roads in such county and may employ a superintendent to oversee and supervise the work. And when said property is so purchased or leased, the said board shall make the arrangements necessary to work the convicts of said county thereat.

When court may sentence prisoner to be imprisoned at hard labor in county.

SECTION 6. When any county has, by action of its board of commissioners, secured property and completed arrangements for the working of its convicts as herein provided, it shall be lawful for any court or magistrate to sentence persons convicted of offenses the punishment of which is, in whole or in part, imprisonment in the county jail or a workhouse, to be imprisoned at hard labor within such county, for the same terms or periods as may be prescribed by law for their confinement in such jail or workhouse. And in such counties it shall be lawful and the commissioners are hereby required, whenever practicable, to cause to be worked as provided in this act, all such convicts so sentenced to imprisonment at hard labor, and also all convicts, save women, physically capable of performing hard labor, who may be confined in the county jail or county workhouse, for failure to pay any fine or costs in criminal prosecutions, or who plead insolvency or inability to pay such fine or costs. Such persons so confined for failure to pay such fine or costs shall be released when the same have been discharged by their labor, at rates to be fixed by the county commissioners, regard being had to the amount of such labor such person may perform. The prisoners sentenced to hard labor under the provisions of this section shall be under the control of the county commissioners, and said county commissioners shall have power to enact all needful rules and regulations for the successful working of all prisoners according to the provisions of this act. Provided, however, that this act shall not be construed to take any prisoners convicted in any city from the control of the board of public service and give the same to the control of the county commissioners.

Duty of commissioners as to working of county convicts.

Resentence of prisoner sick or incapacitated to work.

When any prisoner sentenced to imprisonment at hard labor under the provisions of this section becomes sick or incapacitated to work, or the county commissioners find it impracticable to employ him, he shall at once be taken before the court or magistrate imposing sentence, and shall be resentenced to confinement in the jail or a workhouse for the unexpired portion of his sentence; but if thereafter and before completing such sentence, he becomes able to labor or the commissioners find it practicable to employ him, he shall be liable to be worked as herein provided in the case of convicts imprisoned for failure to pay fine and costs, until such

Commissioners may employ superintendents, guards, etc.

sentence is completed. The county commissioners are authorized and empowered to employ a superintendent and employ such guards and attendants as are necessary for the safe keeping, proper working and welfare of the convicts and shall, in all other things, have power to make efficient the service contemplated in this act.

Criminal acts of convicts.

SECTION 7. A convict or prisoner employed at any work or at any place as provided for under the provisions of this act, in custody of guards or officers, shall be deemed guilty of felony if he kill, wound, or inflict other bodily injury upon an officer or guard having charge of him or superintending his work; or attempt to escape from the custody of such guard or guards; or from any stockade or jail in which said convict or prisoner may be imprisoned or housed; or break, cut or injure any building, fixture or stockade, or any part thereof for the purpose of escaping or aiding any other convict or prisoner to escape therefrom, or rendering the place of imprisonment less secure as a place of confinement, or make, procure, secrete, or have in his possession, any instrument, tool, or thing for the said purpose, or with intent to kill, wound, or inflict bodily injury, as aforesaid; or resist the lawful authority of an officer or guard for the said purpose or with such intent.

Any three or more convicts so confined, or in such custody, who conspire together to commit any offense mentioned in this section hereinbefore set forth, shall be deemed guilty each of felony.

Penalties.

A convict guilty of such killing as is mentioned in this section, or of any act therein mentioned, from which death ensues to such officer or guard, shall be guilty of murder in the first degree, and shall be punished as provided for in section 6808, Revised Statutes of Ohio. For any other offense mentioned in this section, a convict or prisoner, unless he be under sentence of confinement for life, shall be confined in the penitentiary or in the county jail not less than thirty days nor more than one year after the end of the term, for which he shall then be subject to confinement; and whether he be under such sentence for life or not, he shall be kept in solitary confinement for such portion of the term of his confinement in the penitentiary or county jail, as may be fixed by the jury, not being more than one-half nor less than one-twelfth part of the time that he may be confined therein after being sentenced under this section, which solitary confinement may commence immediately on his being so sentenced, but shall not exceed a month at any one time.

Criminal proceedings.

All criminal proceedings against convicts or prisoners for offenses committed under this section, shall be in the court of common pleas of the county in which the offense was committed, and the same proceedings shall be had and followed as provided in the Revised Statutes of Ohio, for the prosecution of felonies.

In all such prosecutions, any convict or prisoner shall be a competent witness for or against accused. In all other

respects the proceedings, trial and judgment shall be had, pronounced, and executed as in other cases of prosecutions for offenses punishable with death or confinement in the penitentiary or confinement in the county jail.

Tax levy.

SECTION 8. The board of county commissioners of the several counties in the state taking advantage of this act, may levy a tax annually as other taxes are levied for the purpose of paying the expenses of said convicts and for carrying out the purposes set forth in this act.

Purchase of supplies for state or its institutions.

SECTION 9. No articles or supplies manufactured under the provisions of this act by the labor of convicts of the penitentiary or Ohio state reformatory, shall be purchased from any other source for the state or its institutions; unless the board of managers of the penitentiary and of the Ohio state reformatory shall first certify, on requisition made to them, that the same can not be furnished; but all requisitions shall be honored to such extent as may be possible.

Repeals.

SECTION 10. Section 4 of "An act relating to the imprisonment of convicts in the Ohio penitentiary and the employment, government and release of such convicts by the board of managers," passed February 27, 1885, as amended March 31, 1892, is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

101G

[House Bill No. 275.]

AN ACT

To create and maintain a technical and industrial school at the girls' industrial home, and to provide the necessary building and equipment therefor.

Be it enacted by the General Assembly of the State of Ohio:

Establishment of a technical industrial school at girls' industrial home.

SECTION 1. The board of trustees of the girls' industrial home is authorized and directed to institute and maintain, at the girls' industrial home, in addition to the present school, a technical industrial school in which the inmates shall be taught the various lines of manual skill of such character as to prepare said inmates to perform the skilled labor required to fit them for self support when released therefrom. Said school shall be maintained at least ten months every year. Said school shall be under the direction and management of a competent principal and a trained corps of teachers. Said principal shall be a graduate of Pratt's institute, or of some technical and industrial school, or college, of equal rank and standing, and shall be versed in the principles of manual, industrial and technical training. The salary of said principal shall be one hundred dollars per month.

Appropriation to carry out provisions of act.

SECTION 2. For the purpose of instituting said school the said board of trustees is hereby authorized and directed forthwith to erect at said home a suitable technical and industrial school building, and to equip the same. And for the purpose of carrying out the provisions of this act the sum of ten thousand dollars is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated to pay for the erection and equipment of said technical and industrial school building. Immediately upon the completion and equipment of said building of said technical and industrial school, said school shall be opened and the regular course of training therein be commenced.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

102G

[House Bill No. 531.]

AN ACT

To make appropriations to pay deficiencies authorized by the emergency board.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations to pay deficiencies authorized by the emergency board.

SECTION 1. That the following sums be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies as herein specified, to-wit:

ADJUTANT GENERAL—STATE HOUSE AND GROUNDS.

Repairing stone steps on north side of state house	$1,581 37

AGRICULTURAL EXPERIMENT STATION.

Special work in entomology, botany, horticulture and chemistry	7,000 00
Substations for field experiments	5,000 00

STATE BOARD OF AGRICULTURE.

Improvement to offices	1,000 00

COMMISSIONER OF COMMON SCHOOLS.

Salary of examination clerk	1,600 00
Contingent expenses	225 00

EXECUTIVE DEPARTMENT.

Contingent expenses	2,000 00
Secret service on account of Springfield riot	3,529 35

BOARD OF DEPOSIT.

Salary of secretary of board	1,375 00
Contingent expenses	775 00

STATE BOARD OF PUBLIC WORKS.

For culvert constructed at Harrison farm	856 07
For repairs at Lockbourne and Crooked Bridge	4,299 88
For repairs to Carthage aqueduct	15,163 82
For repairs break by flood at Woodsdale Park	1,259 00
For repairs Tomlinson dam	16,661 00
For repairs damage by flood Miami and Erie canal	6,000 00
For repairs damage by flood southern division Ohio canal	1,665 00

Appropriations to pay deficiencies authorized by the emergency board.

For repairs banks Lewistown reservoir	4,767 00
For repairs embankments at Lockbourne and repairs Stony Fork aqueduct	900 00
For cost investigating dynamiting cases St. Marys reservoir and repairs	5,000 00
For damage by flood superintendent division No. 3 Miami and Erie canal	10,270 00

TREASURER OF STATE.

Carpets, furniture and repairs	150 00

OHIO STATE REFORMATORY.

For purchasing and installing new boilers.....	15,000 00

COLUMBUS STATE HOSPITAL.

Furnishing Greer cottage	3,000 00
Ordinary repairs and improvements	9,160 00

DAYTON STATE HOSPITAL.

For rebuilding power plant and ventilating plant and tunnels	15,000 00

GIRLS' INDUSTRIAL HOME.

Heating and furnishing	5,000 00
Temporary dormitory and furnishings	3,000 00
Ordinary repairs	1,500 00
Furnishing cottage No. 6, not exceeding	2,000 00

OHIO HOSPITAL FOR EPILEPTICS.

Ordinary repairs and improvements.....	24,000 00

OHIO SOLDIERS' AND SAILORS' HOME.

Officers' salaries and trustees' expenses	2,800 00
Toilets, closets and bath rooms	10,000 00

INSTITUTION FOR THE DEAF AND DUMB.

Water supply	2,000 00

OHIO STATE UNIVERSITY.

Refrigerator machinery, enlarging steam plant and equipment for laboratory	9,260 00

OHIO DAIRYMEN'S ASSOCIATION.

Appropriations to pay deficiencies authorized by the emergency board.

Expenses	850 00
Interest at the rate of four per cent. per annum, to be paid on the approval of the chairman of the senate finance committee, the chairman of the house finance committee, and the auditor of state	5,530 55

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed March 30, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
103G

[House Bill No. 168.]

AN ACT

To amend Sec. 1513 of the Revised Statutes of the state of Ohio, providing for the deposit of township funds upon competitive bidding.

Be it enacted by the General Assembly of the State of Ohio:

Civil townships:

SECTION 1. That Sec. 1513 of the Revised Statutes of the state of Ohio be, and the same is hereby amended to read as follows:

Deposit of township funds.

Sec. 1513. The township trustees of any township shall provide by resolution for the depositing of any or all moneys coming into the hands of the treasurer of said township and said treasurer shall deposit said money in such bank, banks or depository within the county in which said township is located as said township trustees may direct subject to the provisions of this act. Provided further, that no bank or depository shall receive a larger deposit of said funds than the amount of the bond as hereinafter provided and in no event to exceed three hundred thousand dollars. In townships containing two or more banks, such deposit shall be made in the bank or banks situated in the township that shall offer at competitive bidding the highest rate of in-

Amount that may be deposited in any one bank.

Townships containing two or more banks.

terest on the average daily balance on said funds, which in no case shall be less than two per cent. for the full time the funds are on deposit, and such bank or banks shall give a good and sufficient bond to be approved by the township trustees, for the safe custody of said funds in a sum at least equal to the amount deposited. And it shall be the duty of the treasurer of said township to see that a greater sum than that contained in the bond is not deposited in such bank or banks, and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bonds. The board of trustees of each township shall determine in such resolution the method by which such bid shall be received, the authority which shall receive them, the time for which such deposits shall be made, and all details for carrying into effect the authority herein given, but all such proceedings in connection with such competitive bidding and the deposit of such moneys shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection.

Townships containing but one bank.

In any township in which but one bank is located, the funds of the township shall be deposited in such bank at a rate of interest not less than two per cent. on the average daily balance, provided, however, that whenever the trustees have reason to believe that such bank is not a safe depository, or when said bank refuses to pay at least two per cent. interest as herein provided, or where there are two banks in any township, and either one or both refuse to pay at least two per cent. interest on such deposits as herein provided,

Townships containing no bank.

or in any township in which no bank is located, the board of township trustees may, after the adoption of the resolution, providing for the deposit of its funds, enter into contract with one or more banks within the county that are conveniently located and which offer the highest rate of interest on the average daily balance which shall in no case be less than two per cent. for the full time the funds are on deposit; the said bank or banks shall give good and sufficient bond to the approval of the township trustees in a sum at least equal to the amount deposited for the safe custody of said funds, and it shall be the duty of the treasurer of said township to see that a greater sum than that contained in the bond is not deposited in such bank or banks, and said treasurer and his bondsmen shall be liable for any loss occasioned by deposits in excess of such bonds. Said resolution and contract shall set forth fully all details necessary to carry into effect the authority herein given, and all proceedings connected with the adoption of said resolution and the making of said contract shall be conducted in such a manner as to insure full publicity and shall be open at all times to public inspection. All interest money derived in pursuance of the provisions of this act shall be the property of the township, and shall be deposited as other funds. When a depository is provided as authorized herein and the funds are deposited therein as herein directed, the treasurer of the

township and his bondsmen shall be relieved of any liability occasioned by the failure of the bank or banks of deposit or by the failure of the guaranty company acting as surety for such bank or banks, or by the failure of either of them except as herein provided in cases of excessive deposits.

SECTION 2. That said original section 1513 of the Revised Statutes of Ohio be, and the same is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
104G

[House Bill No. 362.]

AN ACT

To amend section 1 of an act entitled, "An act to authorize county commissioners to appropriate money, levy tax, and issue and sell bonds in an amount not to exceed $50,000, in anticipation of such levy, to rebuild county infirmary, destroyed by fire and other casualty," passed March 3, 1904, (O. L. 97 v. 33.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of an act entitled, "An act to authorize county commissioners to appropriate money, levy tax, and issue and sell bonds in an amount not to exceed $50,000, in anticipation of such levy, to rebuild county infirmary, destroyed by fire and other casualty," passed March 3, 1904, (O. L. 97 v. 33), be amended to read as follows: County infirmary:

Sec. 1. That in any county in which a county infirmary has been destroyed by fire, and not rebuilt, or has been condemned as unsafe and uninhabitable by the chief inspector of workshops and factories at the time of the passage of this act, or shall hereafter be destroyed by fire, or other casualty the county commissioners of said county shall have authority to appropriate money, levy tax, and to issue and sell the bonds of said county in anticipation of such levy, in an amount not to exceed fifty thousand ($50,000.00) dollars, for the purpose of rebuilding such infirmary, without first County commissioners authorized to sell bonds for purpose of rebuilding infirmary.

submitting to the voters of said county the question as to the policy of rebuilding such infirmary, appropriating such money, levying such tax, and issuing and selling such bonds.

Repeals.

SECTION 2. That said section 1 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1906.

This bill was presented to the governor, April 2, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 14, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
105G

[Senate Bill No. 148]

AN ACT

To amend section 2122 of the Revised Statutes of Ohio, as amended May 7, 1902, in relation to duties of boards of health in cities.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; board of health:

SECTION 1. That section 2122 of the Revised Statutes of Ohio, as amended May 7th, 1902, be amended to read as follows:

Abatement of nuisances by board of health.

Sec. 2122. The board of health shall abate and remove all nuisances within its jurisdiction. It may compel the owners, agents, assignees, occupants, or tenants of any lot, property, building or structure upon or in which any nuisance may be, to abate and remove the same by orders therefor, and treat the neglect or refusal to obey orders for such purpose as a misdemeanor punishable as hereinbefore provided. The board of health may, except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, regulate the location, construction and repair of all water-closets, privies, cesspools, sinks, plumbing and drains; and in such cities having such departments or exercising such power, the council shall by ordinance prescribe such rules and regulations as are approved by the board of health, and shall provide for the enforcement thereof.

The board may also regulate the location, construction and repair of all yards, pens and stables, and the use, empty-

ing and cleaning thereof and of all water-closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate, and when any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health, and when any building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage, are feasible and necessary, but neglected or refused, the board of health may declare the same a public nuisance and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent or other person or persons having control of the same, or being responsible for the condition; and the refusal or neglect to obey said order shall be a misdemeanor, punishable as hereinbefore provided. The board may also, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify the same, and certify the costs and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon the same, and collected as other taxes.

SECTION 2. That said section 2122 is hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

106G

[House Bill No. 609.]

AN ACT

To make appropriations for extraordinary expenses of the Ohio national guard.

Be it enacted by the General Assembly of the State of Ohio:

Appropriations for Ohio national guard.

SECTION 1. That there be, and is hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the following sums for the purposes hereinafter specified, to-wit:

OHIO NATIONAL GUARD.

Per diem, transportation and subsistence Ohio national guard for expenses incurred in aid of the civil authorities of the city of Springfield, and county of Clark, February 27 to March 5, 1906 ..... $7,672 75

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

107G

[House Bill No. 450.]

AN ACT

To amend sections 3 and 8 of an act entitled "An act to abolish grade crossings in municipal corporations," passed May 2, 1902, to provide for fixing the mode and time of payment by railroad companies and street railway companies of their proportion of the cost of abolishing grade crossings and to provide for the filing of claims for damages and to prescribe the mode of judicial inquiry into such claims.

Be it enacted by the General Assembly of the State of Ohio:

Grade crossings in municipalities:

SECTION 1. That sections 3 and 8 of an act entitled "An act to abolish grade crossings in municipal corporations," passed May 2, 1902, be amended so as to read as follows:

Apportionment of cost between city and railroad company.

Sec. 3. The cost of the construction of the improvement authorized, including the making of ways, crossings or viaducts, above or below the railroad tracks, and also including the raising or lowering of the grades of the railroad tracks and side tracks for such distance as may be required by such municipality and made necessary by such improvement, together with the cost of any land or property purchased or appropriated, and damages to owners of abutting property, or other property, shall be borne one-half by any such municipality and one-half by any such railroad company or companies; and any such municipality shall have the right of action against any such railroad company for the recovery of the one-half of such costs payable by such railroad company with interest from the time they become due; and any such municipality and railroad company may agree as to what part of such work shall be done by such railroad company, and also fix the amount which shall be allowed or credited to such railroad company for doing such work; and such railroad company shall be entitled to deduct from half of the cost of such improvement the expense and cost incurred by it in the change of its grade required by such municipality or made necessary by such improvement under such specifications, but only in case the amount of such cost and expense has been agreed upon in writing between the municipality and the railroad company, and if the amount of work that may be done by the railroad company, or made necessary by reason of such change of grade on lowering or raising its tracks, exceeds one-half of the cost of the improvement, then such railroad company shall have the right to recover the amount with interest in excess of one-half the costs and expenses, in an action at law against such municipality, provided however that before any work shall be done which may be required in the making of such proposed improvement, the council, board of legislation or other legislative body of said municipality shall by ordinance or resolution require notice of its intention to make such improvement in accordance with said plans and specifications to be given, after the manner provided by section 52 of an act en-

Notice of intention to make improvement.

titled "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, as amended April 21, 1904, to the owner of each piece of property abutting upon any street, highway, or public place, the grade of which will be changed by the said proposed improvement; and the provisions of said section 52 and of section 54 of said act, as amended April 21, 1904, relating to the manner of service of notice, the filing of claims for damages, and the effect of failure to file such claims, shall apply to the notice herein provided and to all claims for damages by reason of the said proposed improvement, and after the expiration of the time provided by said section 54 of said act, as amended April 21, 1904, for the filing of such claims, the council, board of legislation or other legislative body of said municipality, when claims have been filed within the time limited by said section, shall determine by ordinance or resolution whether said claims shall be judicially inquired into, as hereinafter provided, before commencing, or after the completion, of the said proposed improvement; and, thereupon, the mayor or solicitor shall make application for a jury, in the manner provided by section 56 of said act and by section 2321, Revised Statutes, to the court of common pleas, or to the probate court, of the county in which said municipality, or the larger part of it, is situated, either before commencing, or after the completion, of said improvement, as the said council, board of legislation, or other legislative body shall determine, and all proceedings upon such application shall be governed by the laws relating to the applications provided for by said section 56 of said act and by said section 2321, Revised Statutes. And the council, board of legislation, or other legislative body of said municipality, may by ordinance prescribe the mode and time or times of payment by said railroad company or companies of the proportion of the cost of said improvement which said railroad company or companies shall be required to pay.

Claims for damages and judicial inquiry thereinto.

Mode and time of payment of railroad company's proportion of cost.

Street railway companies to bear share of expense of making such improvements.

Sec. 8. In case the track or tracks of any street railway company or companies within the limits of any municipality where the improvements authorized by this act are made shall cross at grade or otherwise a public street or the right of way of any railroad company or companies at a point where, under the plans and specifications provided for in this act, it has been determined to construct the said improvements, the municipality shall have power by ordinance to require such street railway company or companies to bear a fair and reasonable proportion of the cost assumed by said municipality in the making of said improvement, not exceeding one-half the portion payable by said municipality; and the municipality shall have the right of action against any such street railway company or companies for such pro-

portion of the said cost as said ordinance shall require said company or companies to bear, and such proportion of said cost shall be a lien upon all the property, both real and personal, of the said company or companies situated in the county in which the municipality is situated from and after the date of the passage of said ordinance; provided, however, that said street railway company or companies shall keep in repair at its or their own expense all tracks affected by such improvement and all construction work of whatever character which may be necessary to support such tracks. And the council, board of legislation, or other legislative body of said municipality may by ordinance provide the mode and time or times of payment for the proportion of the cost of said improvement to be borne by said street railway company or companies.

SECTION 2. That said original sections 3 and 8 are hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
108G

[House Bill No. 382.]

AN ACT

To amend sections 348 and 891a of the Revised Statutes of Ohio relating to public libraries.

Be it enacted by the General Assembly of the State of Ohio:

State library commissioners:

SECTION 1. That sections 348 and 891a of the Revised Statutes of Ohio, be amended to read as follows:

Advice as to organization and maintenance of free public library.

Sec. 348. The librarian or trustees of any existing public library, or any person interested in starting a new public library, may ask said board of library commissioners for advice concerning the organization, maintenance or administration of such library, and the board shall furnish such advice and information as shall be practicable; and it may appoint a library organizer with office room in the state library, one of whose duties it shall be to furnish such advice and information; such library organizer shall keep informed of the condition, scope and methods of work of the various public libraries in the state, visiting the same as occasion may require, shall assist, as far as practicable, in promoting and starting new libraries, and at the end of each fiscal year shall make a report of the general library conditions in the state to the library commission.

Library organizer; appointment and duties.

County commissioners may receive bequests, etc., for construction or maintenance of county library.

Sec. 891a. The county commissioners of any county may receive a bequest or gift of a building, or of money or property wherewith to construct a building for a county public library, or to furnish and equip such library; may accept the gift of a library, or of its use either for a term of years or permanently; and may enter into an agreement on behalf of the county to provide and maintain such library.

May enter into agreement with library association for use of library by people of county.

Any library association, or other organization, either owning or having the full management and control of a library, and any board of trustees appointed by authority of law, and having the management and control of a library free to the public of the whole or a part of the county, may enter into an agreement with the county commissioners for the use of such library by the people of such county.

Tax for maintaining library.

Any county accepting such bequest or gift, or entering into such agreement shall be bound to faithfully carry out the agreement so made to maintain and provide such library. The commissioners of any such county are hereby authorized at their June session each year to levy a tax of not exceeding a half mill on each dollar of taxable property of such county, and the fund derived from such levy shall constitute a special fund to be known as the library fund, and shall be used for no purpose other than is contemplated in this section.

Repeals.

SECTION 2. That said original sections 348 and 891a be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
109G

[Senate Bill No. 221.]

AN ACT

To amend sections 117 and 133 of the act of October 22, 1902 entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," so as to conform to the constitutional provisions relating to biennial elections.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; organization of cities:

SECTION 1. That sections 117 and 133 of the act of October 22, 1902, entitled, "An act to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," are so amended as to read as follows:

Council to divide city into wards.

Sec. 117. The council shall, after each recurring federal census, and within three months after the issuance of the proclamation required in section 2 of this act, and whenever there is annexed thereto any territory containing, by the last federal census, such number of inhabitants as will entitle the city to an additional member of the council, subdivide the city into wards, equal in number to the members of the council in such city who are to be elected from wards therein; and all wards shall be bounded, as far as practicable, by county lines, streets, alleys, avenues, public grounds, canals, water courses, corporation lines, center lines of platted streets, or railroads, and be composed of adjacent and compact territory, and as nearly equal in population as practicable; and if the council shall fail to make such subdivision into wards within the time herein required, then the same shall, on the application of the president of the council, be made by the board of public service. One member of the council shall be chosen from each ward in each odd numbered year for a term of two years commencing on the first day of January next after his election. (See 126.)

Election and term of members of council.

Auditor; election, term, qualification, duties, etc.

Sec. 133. The auditor shall be elected for a term of two years, and shall serve until his successor is elected and qualified. He shall be an elector of the corporation. The auditor shall keep the books of the city, exhibit accurate statements of all moneys received and expended, and of all property owned by the city and the income derived therefrom, and of all taxes and assessments. At the end of each fiscal year, or oftener if required by council, he shall examine and audit the accounts of all officers and departments, and shall prescribe the form of accounts and reports to be rendered to his department, and the form and method of keeping accounts by all other departments, and shall have the inspection and revision thereof; but nothing herein contained shall be construed to repeal or impair the effect of an act entitled "An act to create a bureau of inspection and supervision of public offices, and to establish a uniform system of public accounting, auditing and reporting under the administration of the auditor of state," passed May 10, 1902. Upon the death, resignation, removal or expiration of the term of any officer, the auditor shall audit the accounts of such officer, and if such officer be found indebted to the city, he shall immediately give notice thereof to council and to the solicitor, and the latter shall proceed forthwith to collect the same. He shall not allow the amount set aside for any appropriation to be overdrawn, or the amount appropriated for one item of expense to be drawn upon for any other purpose, or unless sufficient funds shall actually be in the treasury to the credit of the fund upon which such voucher is drawn. Whenever any claim is presented to him, he shall have power to require evidence that such amount is due, and for this purpose may summon any agent, clerk or employe of the city, or any other person, and examine him upon oath or affirmation concerning such voucher or claim.

Repeals.

SECTION 2. That sections 117 and 133 of the act of October 22, 1902, are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 383.]

AN ACT

To provide for the protection, preservation and propagation of fish.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The having in possession within this state of any fish net, fish trap, trot line, bob line, float line, set line, throw or hand line with more than three hooks attached thereto, fish spear or any other device for catching or killing fish, other than a hook and line with bait or lure, shall be prima facie evidence of having the same in possession for unlawful purposes, and the person having the same in possession shall on conviction be fined not less than twenty-five dollars, nor more than two hundred dollars, or be imprisoned not less than thirty days nor more than six months, or both. Provided, that this act shall not apply to nets, traps, or devices for catching fish, in the possession of owners of private artificial fish ponds, for use in such ponds; nor to minnow seines not exceeding four feet in depth by ten feet in length, to be used in catching minnows for bait, in waters other than Lake Erie; nor to minnow seines not exceeding thirty feet in length to be used in catching minnows for bait in Lake Erie; nor to fish nets, fish traps or other devices for catching fish, not otherwise prohibited, to be used in catching fish in the Ohio river, Lake Erie, or in those bays of Lake Erie, wherein fishing with such devices is permitted, when such fish nets, fish traps, or other devices are kept within one mile of the shores of the Ohio river, Lake Erie, Sandusky bay as far up as the east end of Eagle island, Maumee bay or the Maumee river, as far up as Cherry street bridge in the city of Toledo; nor to nets, traps or other devices in the possession of bona fide manufacturers or dealers, when such nets, traps, or other devices are kept in the regular places of business of such manufacturers or dealers or are in course of transportation, nor to nets, traps, or other devices in the possession of common carriers for transportation.

Possession of fish net, fish trap, trot line, etc., is prima facie evidence of possession for unlawful use.

Penalty.

Exceptions.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 429.]

AN ACT

To amend sections 321 and 323 of the Revised Statutes to provide for the publication daily of the journals of the senate and house of representatives.

Be it enacted by the General Assembly of the State of Ohio:

Supervisor of public printing:

SECTION 1. That sections 321 and 323 of the Revised Statutes be amended to read as follows:

Award of printing contracts.

Sec. 321. The commissioners of printing shall, within two days after the expiration of the term for receiving proposals as aforesaid, proceed to open all such proposals by them received, and they shall, on careful examination and computation, award the contract for each class of printing to the lowest responsible bidder therefor, having proper facilities and so located as to insure prompt performance of the work, but should the commissioners be of the opinion there was collusion between the bidders, or the lowest proposal or proposals are too high, they may reject any or all bids, and readvertise for two weeks for proposals for such classes of printing as are not awarded, and proceed to relet said printing as is provided in this and the preceding section, or they may, if they think it to the best interests of the state, contract with any responsible party or parties who file a bond or bonds for the execution of the work as provided in the preceding section; should the commissioners advertise the second time for proposals and they are satisfied there has been collusion between the bidders, or the lowest bid or bids are too high, they may reject any or all of such bids, if in their opinion, it will be for the best interests of the state, and contract with any party or parties who file a bond or bonds as above provided for the execution of the class or classes of printing not awarded. Nothing herein contained shall be construed so as to prevent the same person from becoming contractor for two or more classes of the printing if he shall be the lowest bidder therefor, but the commissioners shall not, except as may be otherwise provided herein, be bound to award more than one class of printing to one person or firm, if in their judgment such person or firm has not the proper facilities for doing said printing expeditiously, and the interests of the state will be best served by having the several classes printed by separate contractors, but no class or contract for part of a class shall in any case be awarded otherwise than to the lowest and best bidders therefor. If two or more persons shall bid the same and the lowest price for any class or classes of the printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interest of the state, having reference, however, to a division of the work as far as practicable, among the several lowest bidders as aforesaid. If two or more bidders shall propose for the same contract, and the proposal of one shall be lower on composition, and that of

another lower on presswork, then the commissioners shall make a strict computation, based on the work of the same class of printing of the preceding year, and assign the contract for such class to the lowest aggregate bidder, for such class as shall appear by such computation; provided, however, that in the notice for proposals prescribed in section 320, it shall be the duty of the commissioners of public printing to state the time within which all the printing included in the second, third, fourth, sixth and seventh classes shall be completed after the manuscript for the same has come into the hands of the printer, and no contract therefor shall be awarded, unless the same contains an agreement fixing the time for the completion of all the printing included in the second, third, fourth, sixth and seventh classes after the manuscript for the same has come into the hands of the printer. And should, in the judgment of the commissioners of public printing, the time so fixed, at any time prove unreasonable or inequitable, the said commissioners are authorized to extend said time, the period for the printing of no book or report to exceed six months. And said commissioners are hereby authorized to reject any or all bids, if in their judgment the bidder has not proper faciiities for the doing of said printing. All printing under this section must be executed within the state, and all appertaining to the first, second and fifth classes must be executed at the city of Columbus, or within fifty miles thereof. The necessary expense of the transportation of paper, proof or printed sheets, to and from Columbus, shall be defrayed by the contractor.

Time for completion of work.

Sec. 323. The journals of the two branches of the general assembly, specified in the second class, shall be printed in super royal octavo form, on neat long primer type, with at least two thousand ems in a page, without any unnecessary leads, blank or broken lines or pages. One thousand copies of the said journals shall be printed daily during the sessions of the general assembly in the same form as herein provided; said copies to be bound in pamphlet form without covers, and the portions of the journal of the senate shall precede the portions of the journal of the house of representatives in the pamphlets; and [said] pamphlets shall be placed daily, one on the desk of each senator and member of the house of representatives, and one sent to the head of each state department, and two hundred shall be distributed by the members of the senate under the direction of the clerk of the senate, and six hundred shall be distributed by the members of the house of representatives under the direction of the clerk of the house; provided, that as rapidly as possible the usual number of sheets for the bound and permanent copies of the said journals shall be printed and retained for binding at such times as the indexes therefor are prepared and printed.

Journals of general assembly; printing and distribution of.

Repeals.

SECTION 2. That said sections 321 and 323 of the Revised Statutes are hereby repealed and this act shall take effect September 1, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
112G

[Senate Bill No. 103.]

AN ACT

To provide for state aid for weak school districts.

Be it enacted by the General Assembly of the State of Ohio:

School teachers shall not receive less than forty dollars per month; state aid to make up deficiency.

SECTION 1. That no person shall be employed to teach in any public school in Ohio for less than forty dollars a month; and that, when any school district in Ohio has not sufficient money to pay its teachers forty dollars per month for eight months of the year, after the board of education of said district has made the maximum school levy authorized by law, three-fourths of which shall be for the tuition fund, then said school district is hereby authorized to receive from the state treasury sufficient money to make up this deficiency. Any board of education having such a deficit shall make affidavits to the county auditor, who shall send a certified statement of the facts to the state auditor. The state auditor shall issue a voucher on the state treasurer in favor of the treasurer of said school district for the full amount of the deficit in the tuition fund.

Certain districts not entitled to state aid.

SECTION 2. No district shall be entitled to state aid as provided in section 1 of this act, unless the number of persons of school age in said district shall be at least twenty times the number of teachers employed in said district.

Repeals.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
113G

[House Bill No. 410.]

AN ACT

To amend section 2 of an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof, and to provide for the standard of weight of maple syrup," passed April 16, 1900, and amended March 24, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Maple sugar and syrup:

SECTION 1. That section 2 of an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof and to provide for the standard of weight of maple syrup," passed April 16, 1900, and amended March 24, 1904, be so amended as to read as follows:

Standard of weight of maple syrup; adulteration, what is.

Sec. 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any substance purporting to be maple syrup or maple sugar not made in compliance with section 1 of this act shall be deemed to be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be deemed an adulteration of maple syrup.

Repeals.

SECTION 2. Said original section 2 is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
114G

[House Bill No. 422.]

AN ACT

To amend section 2652 of the Revised Statutes of Ohio relating to the vacation of streets, change the [of] name, etc.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; streets, etc.:

Vacation of streets, change of name, etc.

SECTION 1. That section 2652 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2652. The council of any city or village, on petition by any person owning a lot in the corporation praying that a street or alley in the immediate vicinity of such lot may be vacated or narrowed, or the name thereof changed, may, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation or narrowing, that it will not be detrimental to the general interest, and that the same should be made, declare by ordinance such street or alley vacated, narrowed, or the name thereof changed; provided, however, that where, in any city or village, there shall be two or more streets, avenues or alleys of the same name, the council may, by ordinance and without petition therefor, change the name of any such street, avenue or alley, so as to leave only one street, avenue or alley to be designated by said original name; and provided, also, that when in the opinion of the council there is good cause for vacating or narrowing any street or alley, or any part thereof and that such vacation or narrowing will not be detrimental to the general interest, council may by ordinance and without petition therefor, vacate or narrow such street or alley or any part thereof; but notice of the intention of council to vacate any street, alley, avenue, or part thereof shall, in all cases, be given as provided in section 2653 of the Revised Statutes, except when there is filed with council written consent to such vacation by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required. And council may include in one ordinance the change of name, or the vacation or narrowing, of more than one street, avenue or alley.

Repeals.

SECTION 2. That said original section 2652 of the Revised Statutes of Ohio is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
115G

[House Bill No. 182.]

AN ACT

Making appropriations for the relief of certain persons, who held land in the Virginia military district of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That there be, and there is hereby appropriated as payment in full of all claims, out of any money in the treasury, to the credit of the Ohio state university fund, for the relief of the persons hereinafter named, who held unpatented grants of lands in the "Virginia Military District of Ohio," and were compelled to pay the Ohio state university for said lands, the following sums:

Appropriation for relief of certain persons.

D. L. Webb, successor to the firm of Cuppett & Webb	$576 50
Wm. A. Sherman, executor of the estate of Wm. J. Flagg, and Henry Oursler, assignee of John A. Coan	3,398 00

The auditor of state shall draw his warrant on the treasurer of state in favor of the persons above named.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.
Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
116G

[House Bill No. 448.]

AN ACT

To supplement an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, by the enactment of supplementary section 45*b*, in relation to public improvements.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations:

SECTION 1. That an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be supplemented by the enactment of section 45*b* as follows:

Shall not adopt plans or specifications for public improvement which requires exclusive use of patented article, etc.

Sec. 45*b*. No municipal corporation shall adopt plans or specifications for any public improvement required by law to be made by contract let after competitive bidding which require the exclusive use of any patented article or process or any article or process protected by any trade-mark or any article or process wholly controlled by any person, firm or corporation or combination thereof.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

117G

[Senate Bill No. 126.]

AN ACT

To provide for annual conferences of health officers.

Be it enacted by the General Assembly of the State of Ohio:

Provision for annual conferences of health officers.

SECTION 1. That the state board of health may make suitable provision for annual conferences of health officers and representatives of local boards of health for the consideration of the cause and prevention of dangerous communicable diseases and of other measures to protect and improve the public health. And it shall be the duty of the board of health or other body or person appointed or acting in lieu of a board of health to appoint one delegate to such annual conferences, and the actual necessary expenses of such delegate in attendance at such meetings shall be provided for and paid by the city, village or township which he is appointed to represent, provided he procures a certificate from the secretary of the state board of health that he was in actual attendance at the sessions of such conferences.

The state board of health may provide for one annual conference of representatives of city boards of health, another for representatives of village boards of health, and one or more for representatives of township boards of health, or make such other division of conferences as it may deem best, but no meeting shall continue longer than three consecutive days and no board of health shall be required or authorized to send a delegate to more than one conference in any one year.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

118G

[House Bill No. 418.]

AN ACT

To amend section 3 of an act entitled, "An act to provide for the government of schools and academies specially endowed," passed March 26, 1856.

Be it enacted by the General Assembly of the State of Ohio:

Schools specially endowed:

SECTION 1. That section 3 of an act entitled, "An act to provide for the government of schools and academies specially endowed," passed March 26, 1856—Revised Statutes, Sec. (4105)—be amended so as to read as follows:

Powers and duties of trustees.

Sec. 3. The trustees shall have power to establish, from time to time, rules and regulations for the management and safe-keeping of the property, moneys, and effects, belonging to the trust, and the expenditure of the income thereof, and also for the management and government of the school or academy; which rules and regulations shall not be inconsistent with the terms of the deed, devise or gift, creating the endowment, or with the laws of this state; they shall not, at any time, or for any cause, incur any debt or liability, beyond the net income of the trust property, moneys, and effects, or use or appropriate the same, otherwise than to invest for the purposes of income, any part of the principal thereof, unless expressly authorized so to do by the terms of the deed, devise or gift, creating the endowment of trust.

Contracts with board of education of district in which school is located.

The trustees of any school heretofore established under the provisions of this act, and in no way connected with any religious or other sect, and the board of education of the district in which such school is situated, shall have power to make contracts whereby said trustees shall receive into said school pupils from said district, who shall receive such instruction as is now, or may hereafter be, provided by law for public schools in this state; and, in consideration of such service by said trustees, such board shall have authority, under the general restrictions of the law relating to common schools, in so far as the same are applicable and not inconsistent herewith, to contribute to the maintenance of such school, and to pay such part of the cost of the erection of additional buildings, and upon such conditions, not inconsistent with the deed, devise or gift under which said school is established, as may be agreed upon by such board and such trustees.

Provided that if such school shall after the making of such contract become sectarian or in any way connected with any religious or other sect such contract shall thereupon terminate, and when any such contract between the trustees and the board of education shall for such cause terminate, no right, title, or interest in or to any building toward the cost of which the board of education shall have contributed shall pass to the trustees until full compensation shall have been made to the board of education for the contribution made by such board to the construction of such building.

SECTION 2. Said original section 3 of an act entitled, "An act to provide for the government of schools and academies specially endowed," passed March 20, 1856, is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
119G

[House Bill No. 344.]

AN ACT

To amend sections 4407, 4408, 4409 and 4411 of the Revised Statutes of Ohio, relating to the practice of pharmacy.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4407, 4408, 4409 and 4411 of the Revised Statutes of Ohio, relating to the practice of pharmacy be amended so as to read as follows: Physicians, dentists, druggists, etc.:

Sec. 4407. Every person now registered as a pharmacist or assistant pharmacist under the laws of this state, shall be entitled to continue in the practice of his profession until his certificate of registration shall expire. Every registered pharmacist or assistant pharmacist, who desires to continue the practice of his profession, shall, within thirty days next preceding the expiration of his certificate, file with the board an application for a renewal thereof. If the board shall find the applicant has been legally registered in this state, and is entitled to a renewal certificate, it shall issue to him a certificate, duly signed by its president and secretary. The right to obtain a renewal certificate shall not be denied any person for a period of three years after his certificate of registration has expired, but if any registered person fails for a period of sixty days after the expiration of his certificate to make application for such renewal he shall then be required to pay to the treasurer of the board of pharmacy the sum of ten dollars in addition to the fee prescribed for the renewal of certificates. If a registered pharmacist or as- Registered pharmacists and assistants entitled to renewal certificates.

sistant pharmacist fails for a period of three years after the expiration of his certificate, to make application to the board for a renewal certificate, such person in order to again be registered, shall be required to pass an examination. Provided, however, that any person, who has been registered under the laws of this state and who has after the expiration of his registration continually practiced pharmacy in some other state under a certificate issued by authority of said other state, may, after said term of three years, obtain a renewal certificate on payment of twenty-five dollars to the treasurer of the board of pharmacy in addition to the fee prescribed for the renewal of certificates.

Examination of applicants; requirements.

Sec. 4408. Every person who shall hereafter desire to be registered as a pharmacist, or assistant pharmacist, shall file with the secretary of the board an application, duly verified, giving his age, the place or places at which, and the time spent in the study and practice of pharmacy, and shall present himself before the board and submit to an examination as to his qualifications for the practice of pharmacy, in the following subjects: Chemistry, botany, materia medica, toxicology, and the theory and practice of pharmacy. If an applicant for a certificate as a pharmacist, such person shall, until the first day of January 1910, meet the following requirements:

Pharmacist.

Such person shall have attained the age of twenty-one years, and shall possess four years' practical experience in a drug store where physicians' prescriptions are compounded; provided, that graduates of schools and colleges of pharmacy in good standing, as determined by the board, shall be entitled to a deduction from the requirement of four years' practical experience, of the time spent in receiving instruction in such school or college of pharmacy.

Assistant pharmacist.

If an applicant for a certificate as an assistant pharmacist, such person shall have attained the age of eighteen years, and shall possess at least two years' practical experience in a drug store where physicians' prescriptions are compounded, and which is in charge of a registered pharmacist; provided, that there may be deducted from the requirement of two years' practical experience the time actually spent by such applicant under instructions in any school or college of pharmacy in good standing, as determined by the board.

Licenses.

If the board is satisfied that the person presenting himself for examination is of the required age, and is possessed of the practical experience required by this section, and passes a satisfactory examination, the board shall issue such applicant a certificate authorizing him to practice the profession of a pharmacist or assistant pharmacist.

Registered pharmacists of other states; how registered.

Sec. 4409. The Ohio board of pharmacy shall register as assistant pharmacists, without examination, and issue certificates of such registration, to persons who are legally registered by examination as pharmacists and hold certificates of such registration under the laws of any other state.

Said board of pharmacy may register as pharmacists without examination, and issue certificates of such registration, to persons who are legally registered as pharmacists and hold certificates of such registration under the laws of any other state, upon the following conditions: Each applicant for such registration shall have attained the age of twenty-one years, and be registered after examination in the state from which he holds a certificate. The standard of qualification and requirement as to competency in any state shall be at least as thorough as that established by the board of pharmacy of this state. The board shall only recognize certificates of registration granted by states wherein like recognition is given to persons resident of this state and holding certificates from the board of pharmacy thereof.

Fees to be charged.

Sec. 4411. The board shall charge and collect for the examination of candidates and the issuing and registration of certificates, the following fees: For the examination of an applicant for a certificate as a pharmacist, five dollars; for the examination of an applicant for a certificate as an assistant pharmacist, three dollars. In case any applicant fails to pass the examination the fees shall not be returned to him. For issuing a renewal certificate to a pharmacist, two dollars; for issuing a renewal certificate to assistant pharmacist, one dollar. For issuing a certificate to a pharmacist on presentation of a certificate granted by another state, fifteen dollars. For issuing a certificate as an assistant pharmacist on presentation of a certificate as pharmacist granted by another state, ten dollars. All fees shall be paid in advance to the treasurer of the board, and by him covered into the state treasury monthly, to the credit of a fund, which is hereby appropriated for the use of the Ohio board of pharmacy. The compensation and expenses of the members and officers of the board, and all expenses proper and necessary in the opinion of the board to discharge its duties under and enforce the law, shall be paid out of said fund upon the warrant of the auditor of state, issued upon a requisition signed by the president and secretary of the board.

Where deposited.

Repeals.

SECTION 2. Sections 4407, 4408, 4409 and 4411 of the Revised Statutes of Ohio are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and

Repeals.

SECTION 2. That said sections 321 and 323 of the Revised Statutes are hereby repealed and this act shall take effect September 1, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
112G

[Senate Bill No. 103.]

AN ACT

To provide for state aid for weak school districts.

Be it enacted by the General Assembly of the State of Ohio:

School teachers shall not receive less than forty dollars per month; state aid to make up deficiency.

SECTION 1. That no person shall be employed to teach in any public school in Ohio for less than forty dollars a month; and that, when any school district in Ohio has not sufficient money to pay its teachers forty dollars per month for eight months of the year, after the board of education of said district has made the maximum school levy authorized by law, three-fourths of which shall be for the tuition fund, then said school district is hereby authorized to receive from the state treasury sufficient money to make up this deficiency. Any board of education having such a deficit shall make affidavits to the county auditor, who shall send a certified statement of the facts to the state auditor. The state auditor shall issue a voucher on the state treasurer in favor of the treasurer of said school district for the full amount of the deficit in the tuition fund.

Certain districts not entitled to state aid.

SECTION 2. No district shall be entitled to state aid as provided in section 1 of this act, unless the number of persons of school age in said district shall be at least twenty times the number of teachers employed in said district.

Repeals.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
113G

[House Bill No. 410.]

AN ACT

To amend section 2 of an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof, and to provide for the standard of weight of maple syrup," passed April 16, 1900, and amended March 24, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Maple sugar and syrup:

SECTION 1. That section 2 of an act entitled "An act to define maple sugar and maple syrup, to provide against the adulteration thereof and to provide for the standard of weight of maple syrup," passed April 16, 1900, and amended March 24, 1904, be so amended as to read as follows:

Standard of weight of maple syrup; adulteration, what is.

Sec. 2. The standard of weight of a gallon of maple syrup of 231 cubic inches in the state of Ohio, shall be eleven pounds. Any substance purporting to be maple syrup or maple sugar not made in compliance with section 1 of this act shall be deemed to be an adulteration of maple syrup or maple sugar, and maple syrup of less weight than herein required shall be deemed an adulteration of maple syrup.

Repeals.

SECTION 2. Said original section 2 is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
114G

applied to the uses and purposes of the normal and industrial department of the Wilberforce university according to law.

Repeals.

SECTION 7. That the act entitled "An act making appropriations for the Ohio university and the normal school connected therewith, the Miami university and the normal school connected therewith, and for the normal and industrial department of the Wilberforce university" passed February 8th 1906 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
121G

[House Bill No. 277.]

AN ACT

To amend sections 2926a and 2926h of the Revised Statutes of Ohio as amended April 23, 1904, in relation to registration.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That sections 2926a and 2926h of the Revised Statutes of Ohio as amended April 23, 1904, be amended so as to read as follows:

Registration required of voters in cities having a population of eleven thousand eight hundred or more.

Sec. 2926a. In all cities which at the last preceding federal census had, or which at any subsequent federal census may have a population of eleven thousand eight hundred or more, there shall be a general registration of electors in the several wards or precincts thereof, in the manner and at the times, and on the days hereinafter provided; no person shall be deemed or held to have acquired a legal residence in any ward or election precinct in any such city, for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein, unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the time hereinafter required.

Days for registration.

Sec. 2926h. The days for the general registration of electors in cities wherein annual general registration is required, and for the quadrennial registration and the yearly

registration of new electors in cities wherein general registration is required only in presidential years, in the several precincts in every such city, shall be Thursday in the fifth week, Thursday in the fourth week, Friday and Saturday in the third week next before the day of the general election in November in each year. Between the first day of September and the day preceding the first of the days above prescribed for the general registration, and no longer, the clerk of the board of deputy state supervisors shall act as registering officer in the following cases only:

When clerk to act as registering officer.

Any person, resident of such city, who will be lawfully entitled to vote therein at the next succeeding election in November, may go before such clerk, at the office of such board, and on making and subscribing an oath or affirmation before him that he will necessarily and unavoidably be absent from such city on all the days appointed or allowed by this section for the general registration of electors by the registrars of the precinct in which he resides, specifying the same, and more than fifty miles distant therefrom, the clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in the registrars of such precinct, on compliance of such applicant with the foregoing requirements of this section for general registration, and his signature to the statement prescribed, and no further registry of such applicant shall be necessary; any elector of such city who is absent therefrom, and without the county in which it is situated, and more than fifty miles distant from such city, may appear before any judge or clerk of any court of record, or notary public, or, if in foreign country, before any minister, consul or vice consul of the United States, and make and subscribe an affidavit as to his residence, specifying in what ward and precinct he resides, and that he will be necessarily and unavoidably absent from such city on all the days allowed or appointed by this act for the general registration of electors by the registrars on such precinct, and answering and setting forth accurately each and all the matters herein required to be set forth in the register of the electors, and forward such affidavit, duly authenticated as above, by mail, under an envelope addressed to the "clerk of the board of deputy state supervisors" of such city; if received by such clerk between the days above appointed for his acting as registrar, it shall entitle such applicant to be entered by the clerk in the proper register of such precinct; and in place of the signature of such elector, the word "affidavit" shall be inserted, and no further registry of such applicant shall be necessary; such affidavit and envelope shall be filed and preserved in such office; but no such affidavit shall be allowed by the clerk unless the officer before whom it is made shall certify that the affiant is personally known to him to be the person he represents himself to be, or proven so to be by a creditable person known to him, and whose name and full address must be stated in such cer-

Registration by clerk of persons who will be necessarily absent during registration.

Application to clerk for registration by mail.

Affidavits.

Transmittal of affidavits to registrars.

tificate. Any such affidavit of an absent elector which shall be received by such clerk on or after the first days herein appointed for general registration by the registrars, shall be transmitted by him immediately to the registrars of the proper precinct, and they shall be authorized to register the applicant as above directed, and shall preserve such affidavit;

Entry of word "challenged" on registers.

provided, that in any case where application for registration is thus made by affidavits forwarded by mail, if the clerk or registrars, as the case may be, are not satisfied that such applicant is a resident of the precinct so specified, or that he will be entitled to vote on the day of the next election, the word "challenged" shall be entered in the register opposite his name and in the column for "remarks," and such affidavit and envelope shall be transmitted to the judges of election; and such applicant, if he appear, shall be required to establish his residence and qualification before voting. On the

Close of registration by clerk.

day preceding the first of the days herein appointed for the general registration the clerk of the board of deputy state supervisors, shall, in each and every register in which he has entered any registration of electors, as in this section provided, close the same by drawing double lines across the page with ink, immediately below the last name registered by him, and add the words "close of registration by the clerk," and shall thereunto subscribe his name and office.

Annual registration of electors in cities having a population of one hundred thousand or more.

In all cities which now and hereafter may have a population of one hundred thousand or more, when ascertained in the manner provided in section 2926*a*, there shall be an annual general registration of all the electors therein, in the several wards and precincts, on the days and in the manner herein provided; in all cities, which now or hereafter may

Quadrennial registration of electors in cities having a population of eleven thousand eight hundred and less than one hundred thousand.

have a population of eleven thousand eight hundred and less than one hundred thousand, a general registration of all the electors therein shall only be had at each and every presidential election, at the times and upon the days hereinbefore specified; and at all other state, or other public elections, those electors who have been duly registered at such general registration as herein provided, and have not removed from the precinct in which they then registered at said general registration in any such city, shall not be required to register;

Registration of new electors or electors moving into precinct.

but at such state, or other public elections, at the times hereinbefore provided for registration days, only those electors of any such city shall be required to register, as may be new electors, or who have moved into any precinct of any such city, since any general registration, and have not been registered therein, excepting (that) at such public election other than presidential and state, such registration shall take place on Friday and Saturday in the second week

Removal certificates.

before any such election. And if any elector removes from the precinct in which he has so registered into another precinct of the city in which he resides, he shall apply in person to the registrars of the precinct in which he has so registered for a "removal certificate," as provided by section 2926*k*.

Within a sufficient time previous to any such state, or other public election, it shall be the duty of the registrars of each and every precinct in any such city to obtain the preceding register made by them from the board of deputy state supervisors, and attend at the place in such precinct appointed for the registration of electors at the time hereinbefore provided, and receive applications for registration by such qualified electors residing therein as are not already registered at the last preceding general registration; it shall further be the duty of such registrars to take all such preceding registers of their respective precincts, so required to be furnished them by section 2926*g* of this act, and make a thorough canvass thereof, for the purpose of ascertaining whether or not any of the electors so registered have removed or died, and shall make a report of their proceedings, carefully noting any and all changes found, together with such additional names of electors registered by them, to the board of deputy state supervisors. **Duties of registrars.**

SECTION 2. That said sections 2926*a* and 2926*h* as amended April 23, 1904, be and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

122G

[House Bill No. 397.]

AN ACT

To amend section 6968-3 of the Revised Statutes of Ohio in relation to the size of mesh [of] for fishing nets.

Be it enacted by the General Assembly of the State of Ohio:

Offenses against public policy:

SECTION 1. That section 6968-3 of the Revised Statutes of Ohio be amended to read as follows:

How fish nets to be constructed.

Sec. 6968-3. After July 1, 1906, the back side of the crib or car of all nets used in fishing in the waters mentioned in section 6968-1, of the Revised Statutes of Ohio, shall be so constructed that the meshes thereof shall not be less than two and seven-eighths (2 7-8) inches in length and width, stretched mesh, factory measure and shall hang squarely. Provided, however, that a smaller mesh may be used around the edge next to the corner or side lines of back side of such crib or car not exceeding in width on each side of such side lines, one-third the distance of the width of such back side the large mesh herein provided to be on the middle part of such back side of the crib or car and to reach from the top to the bottom thereof; and retain fish after the same have passed through the tunnel or tunnels of a net.

After November 20, 1906, no gill nets shall be used with meshes less than three inches, factory measure.

Possession of certain fish under prescribed length unless caught with hook and line, prohibited.

No person shall have in his possession fish of a less length than the following, unless caught with hook and line and not for profit, to-wit:

Whitefish. One and three-quarter pounds in the round.
Catfish. Fifteen inches in length.
Sturgeon. Four feet in length.

No catfish or sturgeon shall be brought ashore with the head or tail removed or in such condition that its length when caught cannot be measured; and all such fish caught of a less length than herein prescribed shall, while the nets are being lifted, be immediately released alive, and in such manner as not to injure the fish so released. Provided, however, that the releasing of such undersized fish shall apply only to the varieties of fish herein mentioned, and having in possession or failing to return to the water alive, as herein mentioned, by the catcher, a quantity of such undersized fish not exceeding in weight 3 per cent. in weight of each boat load, or part of a boat load, lot, catch, or haul, brought into port, of each variety of fish, the length of which is herein prescribed, shall not be deemed a violation of this act. No person shall buy, sell or offer for sale, or have in his possession any fish caught out of season or in any manner prohibited, nor any fish caught unlawfully outside of the state of Ohio.

What not deemed violation.

Purchase, sale or possession.

Penalty.

Whoever violates any of the provisions of this section, or any provision of section 6968-1 of the Revised Statutes of Ohio, shall, upon conviction, be fined not less than twenty-five dollars, nor more than two hundred dollars, and in de-

fault of payment of fines and costs, shall be imprisoned as provided in section 409e of the Revised Statutes, or be imprisoned not less than thirty days nor more than six months, or both.

SECTION 2. That said original section 6968-3 be and the same is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
123G

[House Bill No. 86.]

AN ACT

To amend sections 3888 and 3889 of the Revised Statutes of Ohio providing for the tax valuation and creation of village school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3888 and 3889 of the Revised Statutes of Ohio be amended so as to read as follows:

Classification of school districts:

Village school districts.

Sec. 3888. Each incorporated village now existing or hereafter created, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, and having in the district thus formed a total tax valuation of not less than one hundred thousand dollars shall constitute a village school district, provided that each incorporated village now existing or hereafter created, together with the territory attached to it for school purposes and excluding the territory within its corporate limits detached for school purposes, with a tax valuation of less than one hundred thousand dollars, shall not constitute a village school district; provided at any general election the proposition to dissolve or organize such village school district be submitted by the board of education to the electors of such village and be so determined by a majority vote of such electors.

Change of classification upon advancement or reduction of municipality.

Sec. 3889. When a village is advanced to a city, the village school district shall thereby become a city school district; when a city is reduced to a village, the city school district shall thereby become a village school district. The

Status of board of education in such changed districts.

members of the board of education in village school districts that are advanced to city school districts, and in city school districts that are reduced to village school districts, shall continue in office until succeeded by the members of the board of education of the new district, who shall be elected at the next succeeding annual election for school board members.

School district in newly created municipality.

Upon the creation and incorporation of a village the same shall thereby become a village school district as provided by section 3888 of the Revised Statutes of Ohio, and if such village was, previous to its creation and incorporation, included within the boundaries of a special school district, but said special district included more territory than is included within the village limits, said territory shall be, and thereby is, attached to said village school district for school purposes; when a village surrenders its corporate powers or dissolves a village school district, as provided by section 3888 of the Revised Statutes of Ohio, the village school district shall be thereby abolished and the territory formerly constituting said village district shall become a part of the township school district or districts of the civil township or townships in which it is situated, and all school property shall pass to and become vested in the township board of education of the civil township in which it is situated; the provisions of section 1536-4 of the Revised Statutes of Ohio in regard to the settlement of the affairs of a village that has surrendered its corporate powers shall also apply to the village school district and the board of education of the same, and in case the village school district is situated in two or more townships any distribution of funds shall be made in proportion to the total tax valuation of the property situated in the several townships.

School district in village upon surrender of corporate powers.

Repeals.

SECTION 2. That said original sections 3888 and 3889 be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

124G

[House Bill No. 134.]

AN ACT

Authorizing school district boards, boards of trustees of graded schools and boards of education in cities to establish and maintain day schools for the deaf, and authorizing payment therefor from the general fund.

Be it enacted by the General Assembly of the State of Ohio:

Establishment of day schools for the education of the deaf.

SECTION 1. That upon application by a board of education of any school district of this state to the state commissioner of schools, he shall grant permission to such board of education, and such board of education shall thereupon be empowered to maintain within its limits one or more day schools, having an average attendance of not less than three pupils, for the instruction of deaf persons over the age of three, residents of the state of Ohio.

Report to state commissioner of schools.

SECTION 2. Such board of education, which shall maintain one or more day schools for the instruction of the deaf, shall report to the state commissioner of schools annually, and as often as such state commissioner shall direct, such facts concerning such school or schools as he may require.

How expenses of school defrayed.

SECTION 3. The county auditor in each county is hereby authorized and directed to apportion and the county treasurer to pay out of the state common school fund received by such county, to the treasurer or other financial officer of such board of education, maintaining such school or schools for the instruction of the deaf, the sum of one hundred and fifty dollars for each deaf pupil, resident of such county, instructed in any such school for at least nine months during the school year and a share of such sum proportionate to the term of instruction of any such pupil as shall be so instructed less than nine months during such year. If no school shall be maintained in any county, but persons residing in such county shall attend such school in another county, then the county treasurer of the county not maintaining such school shall apportion and pay to the financial officer of the board of education of such other county the amount above specified for each pupil attending such school in such other county.

Payment of expenses.

SECTION 4. The sums provided in the next preceding section shall be paid by such county treasurer as soon as may be after the receipt by him of the state common school fund in each year, upon satisfactory proof being made to him by the president or clerk of such board of education maintaining such school, of the number of pupils instructed in such school or schools, and their residences, and the period of time such pupil shall have been so instructed in such school or schools for the preceding school year.

Appointment and qualifications of teachers.

SECTION 5. All teachers in such schools shall be appointed and employed as other public school teachers are appointed and employed. All persons appointed to teach in any such school shall have had special training for teaching, and shall also have had special training in the teaching of

the deaf, including at least one year's experience as a teacher in a school for the deaf. The so-called "oral" system shall be taught by such teachers, and if after fair trial of nine months, any of such children shall, for any reason, be unable to learn such oral method, then no further expense shall be incurred in the effort to teach such child so unable to learn such oral method in such primary schools.

Who shall be considered as deaf.

SECTION 6. For the purpose of this act, any person of sound mind, who, by reason of defective hearing, cannot profitably be educated in the public schools, as other children are, shall be considered deaf.

Inspection of schools for deaf.

SECTION 7. The state school commissioner shall select some competent person to inspect all day schools organized under this act, or by other authority and shall cause an inspection to be made of said schools at least twice a year, and said persons so appointed shall make a written report to the state commissioner of common schools of the buildings in which said schools are being held, the method of instruction and all other matters which may seem to be of interest and profit to the education of the children in said schools.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

125G

[Senate Bill No. 31.]

AN ACT

To provide for the revision and consolidation of the statute laws of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Governor authorized to appoint commission to revise and consolidate statute laws of state.

SECTION 1. That the governor be and is hereby authorized and required to appoint three competent commissioners, no one of whom shall be a member of the present general assembly, not more than two of whom shall belong to the same political party to revise and consolidate the general statute laws of the state, which may be in force at the time such commissioners shall make their report, and in case a vacancy shall occur in said commission by reason of death or resignation, the governor is hereby authorized to fill said vacancy. The commissioners shall be appointed and commence the discharge of their duties not later than the first day of January, 1907.

Duties of commission.

SECTION 2. That in performing this duty, the said commissioners shall bring together all the statutes and parts of statutes relating to the same matter, omitting redundant and obsolete enactments, and such as have no influence on existing rights or remedies, making alterations to harmonize the statutes with the constitution as construed by the courts, reconcile contradictions, supply omissions, and amend imperfections in the original acts, so as to reduce the general statutes into as concise and comprehensive a form as is consistent with clear expression of the will of the general assembly, rejecting all equivocal and ambiguous words, and circuitous, and tautological phraseology. They shall arrange the said statutes under suitable titles, divisions, subdivisions, chapters and sections, with head notes briefly expressive of the matter contained therein, with marginal notes of the contents of each section, with reference to the original act from which it is compiled. They shall provide by an index for an easy reference to every portion of their report.

Printing of report.

SECTION 3. That when the commissioners have completed the revision and consolidation of the statutes as aforesaid, they shall cause five hundred copies of the same, one of which shall be furnished to each member of the general assembly, to be printed by and under the supervision of the commissioners of public printing, to be submitted to the general assembly for re-enactment, and shall also, with their report, designate such statutes and parts of statutes, as in their judgment ought to be repealed, with the reason in brief for such repeal.

When work to be completed.

SECTION 4. That the statutes so revised and consolidated shall be reported to the seventy-eighth general assembly on the first day of the regular session thereof, and the whole work closed by such time and the commissioners shall give their entire time to the work until completed.

Powers of commission.

SECTION 5. That said commissioners shall have free access to the rooms, books and records, in the several departments of the state government, may employ such stenographers and clerical services as may be required, with the consent of the governor, and shall be furnished by the state, with suitable rooms for the prosecution of the work, and all necessary stationery.

Salary of commissioners, clerks and stenographers.

SECTION 6. That said commissioners shall render an account to the governor of the clerical service, and the incidental expense of the same, together with all incidental expenses incurred by said commission. Each of said commissioners shall receive compensation at the rate of $5,000 per year. The compensation of each clerk and stenographer shall be fixed by the commissioners and together with the incidental expenses of said commission shall be paid from time to time, upon the certificate and warrant of the auditor of state, out of any funds in the treasury not otherwise appropriated.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

126G

[Senate Bill No. 135.]

AN ACT

To amend section 2926*w* of the Revised Statutes of Ohio, relating to the conduct of elections, 97 O. L., 214; section 22 of an act commonly known as the ballot act and amended in 92 O. L., page 148; and section 35 of the ballot act as amended in 89 O. L., 452, and to amend sections 7045, 7049, 7050 [7055] and 7066 of the Revised Statutes of Ohio relating to offenses against the right of suffrage.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2926*w* of the Revised Statutes of Ohio be and it is hereby amended to read as follows:

Conduct of elections:

Sec. 2926*w*. 1. Any registrar of electors, or other registering officer, who enters or consents to the entry in any register or duplicate list of electors in any precinct, of the name of any person whom he knows or has good reason to believe is not a qualified voter in such precinct, or who on request, refuses, neglects or hinders the registration of any person, who is a qualified voter in such precinct, and offers to comply with the requirements of the law for that purpose, shall be imprisoned in the penitentiary not less than one year nor more than five years.

Permitting false registration.

Refusing registration.

Penalty.

2. Whoever, by any gift, promise or offer, or by coercion, intimidation, or other unlawful means, induces or influences, or attempts to induce or influence any registrar of electors, or other registering officer, to enter in the register or duplicate list of electors in any precinct, the name of any person, real or fictitious, living or dead, who is not a qualified elector therein, or who shall fraudulently induce any registrar or registering officer to refuse registration in a precinct to any person lawfully entitled to be registered as an elector therein, or unlawfully prevent, hinder or delay any registrar or registering officer from registering any person lawfully entitled to be registered, or to induce or influence such registrar or registering officer to violate or refuse or neglect the execution of any rule or duty touching his office and prescribed by law, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing same, unlawfully.

Inducing neglect of duty.

Penalty.

3. Whoever fraudulently and knowingly obtains or attempts to obtain registration, as an elector, in any precinct in which he is not a qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Fraudulent registration; penalty.

4. Whoever knowingly induces or attempts to induce, aid or abet any person to obtain or apply for registration as an elector in any precinct where such person is not a qualified elector, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Inducing same; penalty.

5. Whoever falsely personates, or assumes the name of any other person, real or fictitious, living or dead, in obtaining or attempting to obtain registration in such assumed name as an elector in any precinct, or falsely obtains or ap-

Obtaining registration by personating another; penalty.

plies for registration as an elector in any name other than his own, or fraudulently aids or abets any other person in committing or attempting to commit either of said offenses, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Hindering registration.

6. Whoever fraudulently or by any unlawful means prevents, hinders or delays, or attempts to prevent, hinder or delay any elector from applying for registration as an elector in the precinct where such elector resides and is entitled to vote, with intent to deprive such elector of his right to vote, shall be imprisoned in the county jail not less than thirty days nor more than six months, and fined not less than fifty dollars nor more than five hundred dollars.

Penalty.

Procuring unlawful erasure in registration lists; penalty.

7. Whoever by any false statement or other unlawful means, procures, or aids or attempts to procure the erasure or striking out of the register or duplicate list in any precinct of the name of any elector who is qualified elector therein, shall be imprisoned in the penitentiary not less than one year nor more than three years.

Distributing ballots inside polling room.

8. Any judge or clerk of election, witness, challenger, or other person whatever who is admitted into the polling room at any election, and who at any time from the opening of the polls, until the ballots are finally counted and certified, and while in said room distributes or gives out to any person, on any pretense, or brings into said room, or has in his possession or control any ballot or ticket except that which he shall offer to the judges as his own vote if an elector, shall be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned in the county jail not less than thirty days nor more than one year.

Penalty.

Permitting ballots in box at opening of polls; penalty.

9. Any judge of elections who shall permit any ballot or ticket to remain or be in the ballot box at the opening of the polls, or be put into the ballot box at any time during the receiving, counting, and certifying the ballots, except when lawfully presented by an elector in the course of an election, shall be imprisoned in the penitentiary not less than two years nor more than five years.

Perjury; penalty.

10. Whoever shall be guilty of wilful and corrupt false swearing or affirmation, upon any examination, by or before any registrar or registering officer authorized by this act, shall be guilty of perjury, and imprisoned in the penitentiary not less than one year nor more than five years.

Neglect of duty by officers of election; penalty.

11. Any member of the board of deputy state supervisors, or clerk thereof, or any registrar of electors or judge or clerk of elections in any city who shall wilfully refuse and neglect to execute and perform any duty prescribed by law to be done or performed by him, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, to be recovered in the name and behalf of such city, or imprisoned in the county jail not less than thirty days nor more than one year, or both, in the discretion of the court.

12. Whoever makes, issues, utters or publishes any false or counterfeit certificate of registration authorized by this act to be granted by registrars of electors and boards of deputy state supervisors, or fraudulently alters any such certificate granted by any said officers, or who makes, issues, utters or publishes any false certificate, statement or proclamation of the result of an election, knowing such certificate, statement or proclamation to be false, or who wilfully destroys, defaces or conceals any certificate or statement of the result of an election entrusted to him or his care for delivery, shall be imprisoned in the penitentiary not less than two years or [nor] more than five years.

Counterfeiting registration certificates, etc.

Penalty.

13. Every person who may act as registrar, judge or clerk of election without having received his certificate of appointment from the board of deputy state supervisors, except the judges and clerks appointed in the manner herein provided in section 2926*e*, by the judges to fill a vacancy caused by absence or removal, and every such person so appointed by the judges who shall act without notice thereof having been sent to the board of deputy state supervisors and the judges who make such appointment and neglect and fail to send notice thereof to the board of deputy state supervisors, and every person to whom such notice for the board may be given for delivery to the board who shall neglect or fail to deliver the same as promptly as possible shall be guilty of a misdemeanor, and shall be fined not more than one hundred dollars nor [or] less than twenty-five dollars, or imprisoned thirty days, or both fined and imprisoned.

Acting as registrar, judge or clerk without certificate of appointment.

Acting as substitute without notice, etc.

Neglect to forward notice.

Penalty.

SECTION 2. That section 22 of said "ballot" act as amended in 92 O. L., page 148, be amended so as to read as follows:

Sec. 22. Before leaving the voting shelf the elector shall fold his ballot without displaying the marks thereon, and so as to conceal the same, but show the indorsements and fac simile of the signatures of the proper clerk or board and keep the same so folded until he has delivered the ballot to the presiding officer.

Folding of ballots.

One of the election officers shall receive the ballot, detach the secondary stub bearing the elector's registered number or name, and examine such stub for the purpose of identification, and deposit the ballot in the ballot box; the secondary stub shall be preserved until the polls are closed and shall then be destroyed before the ballot box is opened; the elector shall mark and vote his ballot without undue delay, and shall leave said enclosed place as soon as he has voted.

Receipt of same.

When any person shall have received an official ballot from one of the election officers and shall have delivered the same to the election officer having charge of the ballot box at the time, and when such ballot has been deposited in the ballot box, such person shall be deemed to have voted.

No elector, not an election officer, shall be allowed to re-enter said enclosed place during said election except for

Re-entering booth.

the purpose of voting. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of election to secure the observance of the provisions of this section.

Return of unvoted ballot.

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer.

Assistance in marking.

Any elector who declares to the presiding judge of election that he is unable to mark his ballot by reason of blindness, paralysis, extreme old age or other physical infirmity, and such physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot, properly, may upon request, receive the assistance in the marking thereof of two of the judges of election, belonging to different political parties, and they shall thereafter give no information in regard to the matter. But such assistance shall not be rendered for any other cause which the voter may specify, and the presiding judge may require such declaration of disability to be made by the elector under oath before him.

Unofficial ballots.

No ballot without the official endorsement shall be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted.

Offenses against right of suffrage.

SECTION 3. That section 7045 of the Revised Statutes of Ohio, relating to offenses against the right of suffrage be amended so as to read as follows.

Sec. 7045. The subsequent sections of this chapter shall apply to all elections authorized by the laws of this state.

SECTION 4. That section 7049 of the Revised Statutes of Ohio, relating to offenses against the right of suffrage, be amended so as to read as follows:

Voting, not being a resident of the state.

Sec. 7049. Whoever, being a resident of another state, votes or attempts to vote at any election in this state, shall be imprisoned in the penitentiary not more than five years nor less than one year.

SECTION 5. That section 7050 of the Revised Statutes of Ohio, relating to offenses against the right of suffrage be amended so as to read as follows:

Voting more than once at same election.

Sec. 7050. Whoever votes or attempts to vote more than once at the same election shall be imprisoned in the penitentiary not more than five years nor less than one year.

SECTION 6. That section 7055 of the Revised Statutes of Ohio, relating to offenses against the right of suffrage, be amended so as to read as follows:

Fraudulent voting; penalty.

Sec. 7055. Whoever, either before or after the proclamation is made at the opening of the polls, fraudulently puts a ballot or ticket into the ballot box, or whoever personates any other person, real or fictitious, living or dead, and votes or attempts to vote in the name of such other person as an elector in any precinct in this state, shall be imprisoned in

the penitentiary not less than two years nor more than five years.

SECTION 7. That section 35 of the ballot act as amended in 89 O. L. page 452, be amended so as to read as follows:

Within what time prosecutions must begin.

Sec. 35. Prosecutions under all the penal sections of this act and of the Revised Statutes appertaining to the conduct of elections, must be commenced within two years after the commission of the act complained of. A person offending against any provision of sections 32, 33 and 34 of this act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing or investigation, in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal against the person so testifying. A person so testifying shall not be liable thereafter to indictment, prosecution or punishment, for the offense with reference to which his testimony may be given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution. When a person is convicted of any offense described in section 32 of this act, he shall, in addition to the punishment therein prescribed, forfeit any office to which he may have been elected at the election with reference to which such offense was committed, and when a person is convicted of any offense mentioned in section 33 of this act, he shall, in addition to the punishment therein prescribed, be excluded from the right of suffrage for a period of five years after such conviction.

Offender compelled to testify.

SECTION 8. That section 7066 of the Revised Statutes of Ohio relating to prosecution for election offenses be amended so as to read as follows:

Within what time prosecutions must begin.

Sec. 7066. Prosecutions under sections seven thousand and thirty-nine to seven thousand and sixty-five, inclusive, must be commenced within two years after the commission of the act complained of.

Repeals.

SECTION 9. That section 3926*w* as amended in 97 O. L. 214, that section 22 of an act commonly known as the ballot act as amended in 92 O. L. 148 and section 35 of the ballot act as amended in 89 O. L. 452, and sections 7045, 7049, 7050, 7055 and 7066 of the Revised Statutes be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 306.]

AN ACT

To amend section 4071a of the Revised Statutes of Ohio, relating to the preparation of uniform questions for county teachers' examinations.

Be it enacted by the General Assembly of the State of Ohio:

County teachers' examinations:

SECTION 1. That section 4071a of the Revised Statutes of Ohio be amended so as to read as follows:

Uniform system of examinations.

Sec. 4071a. After the first day of September, 1904, the questions for all county teachers' examinations, throughout the state, shall be prepared and printed under the direction of the state commissioner of common schools, and a sufficient number of lists shall be sent, under seal, to the clerks of the said boards of examiners not less than five days before each examination, said seal to be broken at the time of the examination at which they are to be used, and in the presence of the applicants and a majority of the members of the examining board. Any person or persons connected with the preparation, printing, distribution, or handling of said questions, who shall, prior to the examination in each branch of study, make the same public in any manner, or give information in regard to the nature or character of the questions to any applicant for a certificate or other person, and any person or persons other than those connected with the preparation, printing, distribution, or handling of said questions who shall be found in possession of any of said questions prior to the distribution of the same for the use of applicants at any examination, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty dollars nor more than one hundred dollars and shall be imprisoned not less than thirty days nor more than ninety days.

Penalty for publishing or giving information about questions or unlawfully possessing same.

Repeals.

SECTION 2. That said section 4071a be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

128G

[Senate Bill No. 3.]

AN ACT

To repeal an act entitled, "An act to impose a tax upon the right to succeed to, or inherit property," passed April 25, 1904, 97 Ohio Laws, 398-400.

Be it enacted by the General Assembly of the State of Ohio:

Direct inheritance tax repealed.

SECTION 1. That the act entitled, "An act to impose a tax upon the right to succeed to, or inherit property," passed April 25th, 1904, 97 Ohio Laws 398-400, be and the same are hereby repealed, except as to estates in which the inventory has already been filed at the date of the passage of this act.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS.
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
129G

[House Bill No. 311.]

AN ACT

To supplement section 3256 of the Revised Statutes of Ohio by adding thereto sections 3256*b*, 3256*c*, 3256*d* and 3256*e*, to regulate the sale of the property of general corporations organized under the laws of this state, and to protect the interests of minority stockholders.

Be it enacted by the General Assembly of the State of Ohio:

Creation of corporations:

SECTION 1. That section 3256, Revised Statutes, be supplemented by the addition of sections 3256*b*, 3256*c*, 3256*d* and 3256*e* as follows:

Corporation can not sell its entire property and assets unless three-fourths of its directors authorize execution of agreement.

Sec. 3256*b*. No corporation organized under the laws of this state shall sell its entire property and assets to any person, persons or association, or to another corporation, whether organized for the same or similar purpose or otherwise, under the laws of this state, or any other state, unless three-fourths of the directors of such corporation shall

authorize the execution of an agreement therefor prescribing the terms, considerations and conditions thereof, which considerations may be money, stocks, bonds, or other instruments for the payment of money, or any valuable consideration, nor shall any such sale be made for the formation of or to any trust or combination for the purpose of restricting trade or competition.

Trusts or combinations.

Submission of agreement to vote of stockholders.

Sec. 3256*c*. Such agreement shall be submitted to the stockholders of such corporation at a meeting called for the purpose of taking the same into consideration, of which ten days' notice of the time and place of holding same, and the object thereof, shall be given by registered letter containing a written or printed notice addressed to each of the persons in whose names the capital stock of the said corporation stand on the books thereof; and also by like notice published in some newspaper in the city or town where such corporation has its principal office or place of business; provided that in case all the stockholders are present at such meeting in person or by proxy, such notice may be waived in writing. At the meeting of stockholders the agreement of the directors shall be considered and a vote by ballot taken for the adoption or rejection of the same, and for each share of stock on which has been paid all the installments called for by the board of directors the holder thereof shall be entitled to one vote. The ballots shall be cast in person or by proxy, and if three-fourths of all the votes cast at the meeting be for the adoption of the agreement, such agreement shall become valid and binding on such corporation. Upon the adoption of such agreement by the stockholders of said corporation, the officers thereof shall execute and deliver to the purchaser good and sufficient deeds and transfers of all the property and assets of the corporation, upon the terms and conditions in said agreement provided.

Adoption of agreement by three-fourths vote of stockholders.

Dissatisfied stockholder shall be paid value of stock at time of sale.

Sec. 3256*d*. If any stockholder in the said corporation shall be dissatisfied with said sale and refuses to participate in the proceeds thereof, he shall within thirty days after the adoption of said agreement by such corporation, state his objections thereto in writing and file the same with said corporation, and demand in writing from said corporation payment for his stock, and said corporation shall within sixty days thereafter pay to him the value of his stock at the time of the adoption of said agreement. In case of a disagreement as to the value of said stock, it shall be ascertained by three disinterested persons, one of whom shall be chosen by the said stockholder, one by the directors of the corporation, and the other by the two selected as aforesaid who shall conduct such arbitration in all respects as provided by law regulating arbitrations. And in case the said award is not paid within sixty days from the making thereof and notice thereof given to said stockholder and to said corporation, the amount of the award shall be evidence of the amount due from said corporation and may be collected as other debts are by law collectible, but on receiving payment of the award, said stockholder shall surrender his stock to said corporation.

Determination of value of stock.

Sec. 3256*e*. If any such stockholder refuse to submit the question to arbitration, the judge of the court of common pleas, shall, upon the application of a director of such company, appoint the arbitrators, who shall proceed to ascertain the value of the stock in the same manner as if the question had been submitted by consent of both parties; and if the party owning the stock refuse to receive the amount awarded in any case, the company may deposit the same with the clerk of the court of common pleas of the county in which the arbitration is held, which deposit shall operate the same as if payment were made to the owner of the stock, and shall further operate as a cancellation of said stock upon the books of the company. In all cases of such arbitration, the party desiring such arbitration shall give the opposite party at least ten days' notice of his intention to apply to the judge for the appointment of arbitrators, which notice shall be served in the same manner as is provided for the service of summons, and shall specify the time and place of the hearing of the application; but in cases of nonresidents the notice shall be by publication for four consecutive weeks in some newspaper printed in the county.

Procedure in case stockholder refuses to submit question of value of stock to arbitration.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS.
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

130G

[Senate Bill No. 89.]

AN ACT

To amend an act entitled, "An act to establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation in the permanent improvement of public highways," passed April 18, 1904, O. L., Vol. 97.

Be it enacted by the General Assembly of the State of Ohio:

State highway department:

SECTION 1. That sections 2, 3, and 8 of an act passed April 18, 1904, O. L. Vol. 97, entitled, "An act to establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation in the permanent improvement of public highways," be amended so as to read as follows:

Object and purpose of department.

Sec. 2. The object and purpose of this department shall be to instruct, assist and co-operate in the building and improvement of the public roads, under the direction of the highway commissioner in such counties and townships of the state of Ohio as shall comply with the provisions of this act. The highway commissioner may make inquiries in regard to systems of road building and management throughout the United States, and make investigations and experiments in regard to the best methods of road making and the best kinds of road material and investigate the chemical and physical character of road materials, and has authority to pay freight and express charges and other necessary expenses and prepare, publish and distribute bulletins and reports on the subject of road improvement.

When county commissioners authorized to direct that public road be improved.

Sec. 3. The county commissioners in any county of this state may, at any time, by resolution, direct that any public road or section of road, located within said county, being at least one mile in length, or, being less than one mile in length, is an extension or connection with some permanently improved or paved street, or permanently improved highway of approved construction be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, brick or other suitable material, in such manner that the same, of whatever material constructed, shall with reasonable repairs, thereto, at all seasons of the year, be firm, smooth and convenient for travel; or whenever a road or section thereof is petitioned for, by the owners of 51 per cent. of the lineal feet along said road, or section thereof praying the board of county commissioners to cause such road to be improved under this act, it shall be the duty of the board to grant such petition, if after viewing such road said board of county commissioners shall decide the improvement of such road to be just and to the best interest of the public, subject to the condi-

Improvement of roads upon petition of abutting land owners.

tions as hereinafter provided; when more roads are applied for than can be constructed in one year, the board of county commissioners and state commissioner of public highways shall have power and authority to select from the roads petitioned for, the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this act to all parts of the county; and the county commissioners shall before approval of any road, require as condition of said approval, that the township or townships through which said road runs shall pay twenty-five per cent. of the cost of said improvement, said improvement to be approved in the resolution or resolutions passed by the trustees of the township through which said road runs, said payment to be applied to the improvement of road construction under this act.

How, when more roads are applied for than can be constructed within one year.

Township trustees must agree to pay one-fourth cost of improvement.

Sec. 8. In case such proposed highway shall deviate from the existing highway, the officials making application must provide for securing the requisite right of way by condemnation proceedings or otherwise, prior to the actual commencement of the work of improvement, and shall secure release from damage to property by reason of change of grade.

How right of way secured when proposed highway deviates from existing road.

SECTION 2. Said sections 2, 3 and 8 are hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

131G

[House Bill No. 224.]

AN ACT

To amend section 2923 of the Revised Statutes relating to election precincts.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2923 of the Revised Statutes relating to election precincts be amended so as to read as follows:

Election precincts; how composed.

Sec. 2923. Each township, exclusive of the territory embraced within the limits of a municipal corporation, shall compose an election precinct, unless such township is divided according to law, into precincts. Each municipal corporation containing fifty or more voters, shall also compose an election precinct, unless such corporation is divided, according to law, into precincts; but if such municipal corporation is situated in two or more townships, the territory of such corporation situated in such townships together with the territory attached thereto for voting purposes, shall constitute at least one election precinct, provided that territory annexed to a village for school purposes may be included within a village precinct if the deputy state supervisors are of the opinion the same is practicable and most convenient to the voters. Each ward of every city shall compose one election precinct, unless such ward is divided, according to law, into precincts. Elections shall be held for every township precinct at such place within the township as the trustees thereof shall determine to be most convenient of access for the voters of such precinct, and for each municipal, or ward precinct, at such place as the council of the corporation shall designate. Provided that in registration cities, the deputy state supervisors of election shall designate such place of holding election in each precinct.

SECTION 2. That section 15 of an act entitled "An act to provide for the mode of conducting elections to secure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, and as amended April 23, 1904, be amended to read as follows:

Contracts for printing.

Sec. 15. The printing provided for in this act, except poll books and tally sheets, shall be let by the deputy state supervisors to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in

Special elections.

two leading papers of opposite politics published in such county, but in case of special elections the deputy state supervisors may give notice by mail addressed to all the printing offices within the county, instead of publishing said notice. After the letting of the contract for the printing of the

Submission of proof of ballot.

ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing thereon,

a printed proof of the ballot to be printed for use at the election; the person to whom the contract for printing the tickets is let, shall, in the presence of the deputy state supervisors, seal up securely in packages, one for each precinct in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such times as they may direct. In election precincts composed of a township or a part thereof, or a municipality or a part thereof, there shall be provided for all elections, separate ballots, for each precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in such precinct; and there shall be provided separate ballots for each district portion of such precinct which shall contain the names of the candidates for members of the board of education for which electors residing in such precinct are entitled to vate. And when a municipality contains less than fifty voters in the same township, the deputy state supervisors may provide a separate ballot and ballot box for such voters at the regular polling place in an adjoining precinct of the same county. And when territory annexed to a village for school purposes is included within such village precinct, as provided in section 2923, separate ballots, ballot box, poll books and tally sheets shall be provided for such voters in municipal elections presided over by the judges and clerks of election of such precinct.

Sealing and delivery of ballots.

Separate ballots for each precinct.

Municipalities containing less than fifty voters.

SECTION 3. That said section 2923 of the Revised Statutes and said section 15 of an act entitled "An act to provide for the mode of conducting elections to secure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, and as amended April 23, 1904, be and the same are hereby repealed.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

132G

[Senate Bill No. 252.]

AN ACT

To provide for the erection, organization and management of the Lima state hospital for insane.

Be it enacted by the General Assembly of the State of Ohio:

State hospital for insane at Lima; name of hospital.

SECTION 1. That the hospital for insane, to be located at Lima, shall be known as the Lima state hospital.

Class of inmates to be admitted.

SECTION 2. Class of Inmates to be Admitted. The Lima state hospital shall be used for the custody, care and special treatment of insane persons of the following classes:

1. Persons who become insane while in the penitentiary and state reformatory.
2. Dangerous insane persons now in other state hospitals.
3. Persons accused of crime, but not indicted because of insanity.
4. Persons indicted, but found to be insane.
5. Persons acquitted because of insanity.
6. Persons adjudged to be insane who were previously convicted of crime.
7. Such other insane persons as may be directed by law.

Governor to appoint building commission.

SECTION 3. Governor to Appoint Building Commission. Within sixty days after the passage of this act the governor shall appoint a commission of six members, at least two of whom shall be experienced in the care and treatment of the insane, and not more than three of whom shall be of the same political party, to be known as a "Board of commissioners for the erection of the Lima state hospital." The members of the commission shall be allowed and paid their necessary expenses from any appropriation made for the erection of the Lima state hospital or for the use of said commission, but shall receive no other compensation.

Duty of board of commissioners.

SECTION 4. Duty of Board of Commissioners. Said commission shall have charge of the erection of necessary buildings and are hereby required to meet within thirty days after their appointment to arrange for and commence carrying into effect the provisions of this act by securing, by visitation or otherwise, information concerning the best plans for such a hospital and causing to be prepared the necessary plans and specifications by a competent architect of established reputation for ability and integrity. Said plans and specifications shall embrace the most approved construction having reference to strength and durability and also to prudence and economy of expenditures and shall be accompanied by a detailed estimate of quantities of material and an estimate of total cost for the erection and full completion according to such plans of buildings for the care and accommodation of at least six hundred (600) inmates with the usual proportion of officers and employes. Said plans shall also include estimates for heating and lighting plants, water sup-

ply, and sewage disposal. Said commission shall be governed in all things by the provisions of law now in force relating to the erection of public buildings, provided that said commission shall not enter into any contract for the erection of any building until the money has been appropriated by the general assembly to pay for same.

Appointment of superintendent.

SECTION 5. Appointment of Superintendent. Said commission shall have authority to appoint a superintendent during the completion of the work of construction, who shall have had at least three years' experience in the care and treatment of insane and who shall be authorized to superintend the work of construction and to open such buildings as may be ready for occupancy during the progress of the work. Said superintendent shall also have charge of said buildings when occupied and all the patients kept therein, employing necessary officers and employes under the direction of the commissioners and as required for the purposes mentioned.

Rental of land.

SECTION 6. Rental of Land. Until the farm land can be wholly used by and for the Lima state hospital the board of commissioners shall have authority to rent such parts of it as may not be needed, for such length of time as they may deem advisable; provided that no rental contract shall be for a greater period than two years. The receipts from such contracts shall be turned into the state treasury for the use of the general revenue fund.

Board to furnish buildings; appointment of board of trustees.

SECTION 7. Board to Furnish Buildings; Appointment of Board of Trustees. The board of commissioners of the Lima state hospital shall be empowered to furnish and occupy such buildings as may be ready for occupancy during the progress of the work of construction and until such time as the governor may deem it to the interests of the hospital to appoint a board of trustees, under the general law governing the state benevolent institutions, consisting of six members, not more than three of whom shall be of the same political party, appointed for one, two, three, four, five and six years respectively, from the date of their appointment, and thereafter one member shall be appointed annually for a term of six years. Upon the appointment of said board of trustees the terms of office of the board of commissioners shall terminate.

Admission of inmates during period of construction.

SECTION 8. Admission of Inmates During the Period of Construction. Inmates may be admitted to the Lima state hospital after the work of construction has progressed to such an extent that they may be safely and properly kept. Said inmates are to be admitted as hereinafter provided, but preference shall first be given to insane criminals.

Transfer of insane convicts.

SECTION 9. Transfer of Insane Convicts. Whenever the physician of the state prison or state reformatory shall report in writing to the warden or other officer in charge that any convict confined therein is, in his opinion, insane, the said warden or other officer shall apply to the probate court of the county in which the institution is located to cause an examination to be made of such person by two physicians of

at least three years' practice in the state of Ohio other than a physician connected with such state prison or reformatory. Such physician shall be designated by the judge to whom the application is made. If satisfied, after a personal examination, that such convict is insane, they shall make a certificate to such effect in the form and manner prescribed for the commitment of insane persons to state hospitals. Such warden or other person in charge shall apply to the probate judge for an order transferring such convict to the Lima state hospital accompanying such application with the medical certificate of lunacy. If satisfied that such convict is insane, the probate judge shall issue such order of transfer and such warden or other officer in charge shall thereupon cause such convict to be transferred to the Lima state hospital and delivered to the superintendent thereof. At the time of such transfer the certificate of lunacy and order of transfer shall be presented to such superintendent. Such insane convict shall be received into such hospital and detained there until discharged, as hereinafter provided. Such warden or other officer in charge, before transfer of such insane convict, shall see that he is bodily clean and is provided with a new suit of clothing similar to that furnished convicts on their discharge from prison. At the time of such transfer there shall be transmitted to the superintendent of such hospital the original certificate of conviction. The cost necessarily incurred in determining the question of insanity including the fees of the medical examiners and in transferring such insane convict to the Lima state hospital shall be paid from the current expense fund of the institution from which the transfer is made or sought to be made.

Insane convicts serving indeterminate sentence.

SECTION 10. Insane Convicts Serving Indeterminate Sentence. In case an insane convict under indeterminate sentence is transferred from the state penitentiary or the state reformatory to the Lima state hospital, such person shall be retained at said hospital for maximum term of sentence provided by law for the offense of which such insane convict was convicted, unless sooner restored to reason.

Transfer of dangerous insane from other state hospitals.

SECTION 11. Transfer of Dangerous Insane From Other State Hospitals. The superintendent of any state hospital for insane with the consent of the board of trustees thereof may make application to the board of state charities for an order of transfer to the Lima state hospital of any or all inmates of such hospital as exhibit unmistakably dangerous or homicidal tendencies, rendering their presence a source of danger to others. The board of state charities, or committee thereof, shall investigate all the facts and may, with the consent and written approval of the governor, order the transfer of such persons to the Lima state hospital after the same has been opened for the reception of inmates. In case any patient of any of the state hospitals shall at any future time after the opening of the Lima state hospital exhibit such dangerous or homicidal tendencies, proceedings

may be instituted and had as above, and such patient may be transferred to the Lima state hospital in the same manner as herein provided. The expenses of transferring such inmates shall be paid by the hospitals from which such transfers are made.

Persons not indicted because of insanity.

SECTION 12. Persons Not Indicted Because of Insanity. When a grand jury upon investigation of a person accused of crime finds such person to be insane, said grand jury shall report such findings to the court of common pleas, and the court shall proceed as provided in sections 7240 and 7241 of the Revised Statutes of Ohio. If such person is then found to be insane he shall be committed to the Lima state hospital until restored to reason.

Disposition of insane under indictment.

SECTION 13. Disposition of Insane Under Indictment. If any person under indictment appears to be insane, proceedings shall be had as provided for persons not indicted because of insanity. In case such person is found to be insane, he shall be committed to the Lima state hospital until restored to reason, when the superintendent thereof shall proceed as provided in section 7243 of the Revised Statutes of Ohio.

Persons acquitted because of insanity.

SECTION 14. Persons Acquitted Because of Insanity. All persons acquitted as provided in section 7242 of the Revised Statutes of Ohio shall be committed to the Lima state hospital.

Commitment of insane persons previously convicted for certain crimes.

SECTION 15. Commitment of Insane Persons Previously Convicted for Certain Crimes. In case any judge of the probate court in holding an inquest of lunacy finds a person to be insane who was formerly convicted of arson, assault, rape, robbery, burglary, homicide, or an attempt to commit such acts, he shall commit such person to the Lima state hospital.

Disposition of insane convict after expiration of sentence.

SECTION 16. Disposition of Insane Convict After Expiration of Sentence. In case the insanity of any inmate serving sentence confined in the Lima state hospital shall continue upon the expiration of his sentence, the superintendent shall within five days after the expiration of such person's sentence make application to the probate judge of the county in which the institution is situated for an order to retain such person in the hospital until he is restored to reason and shall also mail a written notice that he has made such application to one or more friends or relatives of the inmate, if their address be known. The probate judge shall upon receipt of such application notify such alleged insane person and shall call two physicians not related by blood or marriage to the alleged insane person or to the person applying for such certificate and not officially connected with the Lima state hospital and having been in actual practice of his profession for at least three years. The probate judge in his discretion shall call other creditable witnesses and, if he certifies that satisfactory proof has been adduced showing the person examined to be insane, he shall direct his retention in the Lima state hospital until restored to soundness of mind. The

form of commitment shall be substantially the same as that required for the commitment of inmates to other hospitals in the state. The probate judge in such examination shall have the power to compel the attendance of witnesses and file certificates of the physicians taken under oath and other papers and enter the proper order in the journal of the office of the probate court. Said probate judge shall report the result of his proceedings to the state auditor whose duty it shall be to audit and allow the expenses of such proceedings to be paid by the state treasurer on the warrant of the state auditor from the funds appropriated for the prosecution and transportation of convicts.

Return of convict restored to reason.

SECTION 17. Return of Convicts Restored to Reason. Whenever any convict who shall have been confined in said Lima state hospital as insane, and whose term of sentence has not expired, shall have been restored to reason, and the superintendent of said hospital shall so certify in writing, he shall forthwith be transferred to the state penitentiary or state reformatory from whence he came, and the officer in charge of such institution shall receive said convict into said penitentiary or reformatory.

Discharge of inmates not convicts.

SECTION 18. Discharge of Inmates Not Convicts. The superintendent may discharge any inmate not under sentence for crime in the following cases:

1. An inmate who, in his judgment, is recovered.

2. Any inmate who has not recovered, but whose condition has improved to such an extent that, in the judgment of the superintendent, his discharge will not be detrimental to the public welfare, nor injurious to the inmates; provided, that before ordering such discharge the superintendent must determine that some friend will properly care for him at his home.

Expense for clothing.

SECTION 19. Expense for Clothing. All persons confined in the Lima state hospital under the provisions of sections nine (9) and sixteen (16) of this act shall have their clothing furnished at the expense of the institution, but in all other cases the provisions of sections 631 and 632 of the Revised Statutes of Ohio shall apply.

Return of escaped inmates.

SECTION 20. Return of Escaped Inmates. In case of escape of any inmates, it shall be the duty of the superintendent to take all proper measures for the apprehension of such inmate and for that purpose he may offer a reasonable reward. If an inmate at the time of his escape be a convict and is retaken, the time between the escape and his recapture shall not be computed as part of the term of imprisonment, but he shall remain in the hospital a sufficient length of time after the term of his sentence would have expired, if he had not escaped, to equal the period of time he may have been absent by reason of such escape.

Serving of civil processes on inmates.

SECTION 21. Serving of Civil Processes on Inmates. Any citation, order or process required by law to be served on an inmate of the Lima state hospital shall only be served by the superintendent in charge thereof who shall make re-

turn thereof to the court from which the same is issued, and such service and return shall have the same force and effect as if it had been made by the sheriff of the county.

Inmates not to execute contract, etc.

SECTION 22. Inmates Not to Execute Contract, Etc. No inmate in said hospital shall be allowed to execute any contract, deed or other instrument unless the same shall have first been allowed and approved by an order to be entered of record by the court committing him to said hospital and a certified copy of such order shall be furnished by the superintendent at the time of the execution of such contract, deed or instrument.

Lima state hospital to be governed as other hospitals.

SECTION 23. Lima State Hospital to be Governed as Other Hospitals. This hospital shall be governed by the laws governing state benevolent institutions and hospitals except as otherwise provided in this act.

Repeals.

SECTION 24. All acts or parts of acts inconsistent herewith be and the same are hereby repealed in so far as such inconsistencies exist.

When act in effect.

SECTION 25. This act shall go into effect on and after its passage, except that the provisions of sections twelve (12) to fifteen (15) inclusive shall not have the force of law until the Lima state hospital is ready for the reception of inmates, which fact shall then be certified to the courts by the governor and secretary of state.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

133G

[Senate Bill No. 179.]

AN ACT

To provide a penalty for the violation of certain laws relating to the taxation of insurance companies and amending section 2745c of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Listing personal property:

SECTION 1. That section 2745c of the Revised Statutes of Ohio be amended so as to read as follows:

Superintendent of insurance to inspect company charged with violating Sec. 2745a, R. S.

Sec. 2745c. When notice of any violation of section 2745a is received by the superintendent of insurance of the state of Ohio, it shall forthwith be his duty in person, or by deputy, to visit the office of such company or companies where such contract of insurance may have been written or made, and demand an inspection of the books and records of such company or companies; any company or companies refusing to exhibit its or their books and records for his inspection shall be deemed guilty of violating the provisions of the first section of this act, and the penalties provided in this act shall immediately be enforced against such company or companies, by the superintendent of insurance of the state of Ohio. And when application is made by any foreign insurance company to the superintendent of insurance of the state of Ohio for admission to do business in this state, said company shall not be admitted until it has paid all taxes and penalties assessed against it for the violation of the laws relating to insurance, and if said foreign company shall have been reported to the superintendent [of insurance] as having violated any of the laws of this state relating to insurance, he shall make or cause to be made an examination of the books and records of said company seeking admission, and before granting license to do business in this state, shall require the said foreign company to pay into the office of the state treasurer a penalty equal to twenty per cent. of all premiums written in the state of Ohio for the six years preceding the date of request for admission, and upon which taxes have not already been paid to this state.

When foreign insurance company shall not be admitted to do business in state.

Repeals.

SECTION 2. That said section 2745c of the Revised Statutes of Ohio is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
134G

[Senate Bill No. 218.]

AN ACT

To provide for the purchase and improvement of land for a state rifle range and camp grounds.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for purchase and improvement of land for state rifle range and camp grounds.

SECTION 1. That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of twenty-five thousand dollars, for the purchase and improvement of a tract of land to be used as a state rifle range and camp ground.

Adjutant general authorized to purchase land for camp, etc., of public library.

SECTION 2. The adjutant general is authorized to purchase or procure by appropriation and cause to be deeded to the state of Ohio by good and sufficient deed, a suitable tract of land of not less than three hundred acres, for the purposes set forth in section 1 of this act. If, in the judgment of the adjutant general, he is unable to purchase a suitable tract of land, or any part thereof, at a reasonable cost to the state, it is further provided that for the purpose of carrying out the provisions of this act, the adjutant general shall have the same power to appropriate such lands as the board of public works, or any member thereof, to appropriate property for a public necessity, as now authorized by law.

Upon the issue of proper vouchers, the state auditor shall issue warrants upon the treasury for such amounts as the adjutant general shall certify, not to exceed twenty-five thousand dollars, for the purpose of carrying out the provisions of this act.

Powers of adjutant general.

SECTION 3. The adjutant general shall be the custodian of said lands, and is authorized to make such changes and improvements from time to time as the needs of the state and the exigencies of the service may require, and any and all improvements made upon said property from moneys received from any source whatsoever, shall become the property of the state of Ohio.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

[House Bill No. 470.]

AN ACT

To amend section 1 of an act entitled, "An act authorizing boards of education to provide library privileges for city, village and special school districts," passed October 17, 1902, in relation to special township school districts.

Be it enacted by the General Assembly of the State of Ohio:

Schoolhouses and libraries:

SECTION 1. That section 1 of an act entitled, "An act authorizing boards of education to provide library privileges for city, village and special school districts," passed October 17, 1902, be amended to read as follows:

Board of education authorized to provide for establishment, etc., of public library.

Sec. 1. The board of education of any city, village, township, or special school district, may, by resolution provide for the establishment, control and maintenance, in such school district, of a public library, free to all the inhabitants of such district; and, for that purpose, may acquire, by purchase, the necessary real property, and erect thereon a library building; it may acquire from any other library association, by purchase, or otherwise, its library property; it may receive donations and bequests of money or property for such library purposes, and it may maintain and support libraries now in existence and controlled by the board of education; and such board of education may annually make a levy upon the taxable property of such school district, in addition to all other taxes allowed by law, of not to exceed one mill for a library fund, to be expended by such board of education, for the establishment, support and maintenance of such public library; provided, that whenever any donation or bequest of money or property has been or shall hereafter be made to any two or more school districts jointly, or jointly and severally for the purpose of establishing and maintaining such public library, and the money so donated has been or may hereafter be expended in the purchase of a site and the erection of a library building thereon, the provisions of this act shall apply; and provided in such case the board of education of each of said districts may annually make a levy of not exceeding one mill, in addition to all other taxes allowed by law, upon the taxable property of such school districts for the establishment, support and maintenance of such public library, and the library building may be located at a convenient place in either of such school districts. The control of such building and library and the expenditure of all moneys for the purchase of books and other purposes and the administration of such library shall be vested in a board of six trustees, three to be appointed by each of said boards of education for the term of five years, and who shall serve without compensation, and such trustees shall serve until their successors are appointed. In case of vacancy in such board, from refusal to serve, resignation or otherwise, said vacancy shall

Taxation.

Extension of provisions of this act to libraries jointly owned by two or more school districts.

Taxation.

Board of trustees, appointment, term, etc.

be filled by the said boards of education of said district, in case such vacancy occurs, for the unexpired term.

SECTION 2. That section 1 of an act entitled, "An act authorizing boards of education to provide library privileges for city, village and special school districts," passed October 17, 1902, be and the same is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
136G

[House Bill No. 668.]

AN ACT

To provide for the election and duties of county surveyors, by amending and repealing certain sections of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1163, 1167, 1178, 1181 and 1183 of the Revised Statutes of Ohio be amended so as to read as follows: County surveyor:

Sec. 1163. There shall be elected biennially in each county, a county surveyor, who shall hold his office for two years, beginning on the first Monday of September next after his election; provided the county surveyors now in office shall serve during the term for which they were elected and until their successors are duly elected and qualified. Election and term.

Sec. 1166. The county surveyors shall perform all duties for such county as are now or may hereafter be authorized or declared by law to be done by any civil engineer or surveyor. He shall prepare all plans, specifications, details, estimates of cost, and submit forms of contracts, for the construction or repair of all bridges, culverts, roads, drains, ditches and other public improvements (except buildings) which may be constructed under the authority of any board within and for such county. He shall make an inspection when required by the commissioners of all bridges Duties of county surveyor.

and culverts and report their condition to the county commissioners on or before the first day of June of each year, or oftener if required by the commissioners. He shall be responsible for the inspection of all public improvements that are made under authority of the board of county commissioners. He shall keep in suitable books a complete record of all estimates and summaries of bids received and contracts for the various improvements together with the record of all estimates made for the payments on the work. He shall make all surveys required by law to be made, and perform all necessary services to be performed by a surveyor or civil engineer in connection with the construction, repair or opening of all county roads, turnpikes, and ditches constructed under the authority of the board of county commissioners, and shall perform such other duties as said board may from time to time require.

Vacancies.

Sec. 1167. When the office of county surveyors becomes vacant by death, resignation, or otherwise, the county commissioners shall appoint a suitable person county surveyor, who, upon giving bond and taking the oath of office, as required of the county surveyor elect, shall enter upon the discharge of the duties of the office.

Record to be kept by county surveyor.

Sec. 1178. The county surveyor shall make and keep in a book to be provided ~~for that~~ purpose an accurate record of all surveys made by himself or his deputies for the purpose of locating any land or road lines, or fixing any corner or monument by which the same may be determined, whether official or otherwise, which surveys shall include corners, distances, azimuths, angles, calculations, plats and a description of the monuments set up with such references thereto as will aid in finding the same, together with the names of the parties for whom made, and the date of making the same, which book shall be kept as a public record by the county surveyor at his office, and shall be at all proper times open to inspection and examination by all persons interested therein, and also any other surveys made in the county by competent surveyors, duly certified by such surveyor to be correct and deemed worthy of preservation, may, by order of the commissioners, be recorded by the county surveyor.

Office to be provided by commissioners and furnished with cases, books, tools, etc.

Sec. 1181. The surveyor shall keep his office at the county seat, in such room or rooms as are provided by the county commissioners, which shall be furnished, at the expense of the county, with all necessary cases and other suitable articles. The county surveyor and his assistants and deputies shall each be allowed his reasonable and necessary expenses incurred in the performance of his official duties. Such office shall also be furnished with all necessary tools, instruments, books, blanks and stationery necessary for the proper discharge of the official duties of said county surveyor, and the cost and expense of such equipment shall be allowed and paid out of the general fund of the county upon the approval of the county commissioners.

Sec. 1183. On or before the first Monday in June of each year the county surveyor shall file a statement of the number of and aggregate compensation to be allowed for all necessary assistants, deputies, draughtsmen, inspectors, clerks or employes in his office, for the year beginning September first next succeeding, with the county commissioners of such county who shall examine the same and after making such alterations therein as may be just and reasonable, shall fix an aggregate sum to be expended for such year for the compensation of such assistants, deputies, draughtsmen, inspectors, clerks, or employes. The county surveyor shall appoint such assistants, deputies, draughtsmen, inspectors, clerks or employes as he shall deem necessary for the proper performance of the duties of his office and shall fix their compensation, but such compensation shall not exceed in the aggregate the amount so fixed by the county commissioners as herein provided, and the compensation after being so fixed shall be paid to such assistants, deputies, draughtsmen, inspectors, clerks or employes monthly out of the treasury upon the warrant of the county auditor out of the general fund. **Compensation of assistants, deputies, clerks, etc., how paid.**

SECTION 2. That original sections 1163, 1166, 1167, 1178, 1181, 1183 of the Revised Statutes of Ohio, be and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

137G

[House Bill No. 287.]

AN ACT

To supplement section 3958 of the Revised Statutes of Ohio, as passed April 25, 1904, providing "for boards of education fixing and apportioning the rate of taxation necessary to be levied for all school purposes after state funds are exhausted," by adding thereto section 3958a, and to amend section 3960 of the Revised Statutes of Ohio, as passed April 25, 1904.

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3958 of the Revised Statutes of Ohio, be supplemented by adding thereto a supplemental section to be known as section 3958a as follows:

Levy of taxes for special school districts.

Sec. 3958a. Provided that in all cases of special school districts, now existing or that may hereafter be created, lying wholly within one civil township, and in cases where the special school district lies in and is part of two or more civil townships of the same or different counties, and in all cases where there are two or more special school districts lying wholly or partly within one civil township, there may be levied a tax for school purposes, not exceeding six mills, on the duplicate of all the taxable property in such township and lying outside of all city and village school districts that may be therein, which levy shall be made when a petition in writing signed by two-thirds of the electors of said civil township is filed with the clerk of the board of education of such township, by a joint board consisting of the board of education of that township and of the board of education of the special school district, or of the board of education of that township and of the boards of education of the special school districts as the case may be, acting in joint session, at a meeting or meetings to be called for that purpose, by the president of the board of education of the township between the third Monday in April and the first Monday in June of each year; or, if said boards fail to meet as aforesaid, or fail to agree and make a levy as herein provided, then such levy shall be made by the county commissioners on the application of either board. The funds raised from such levy shall be divided between the board of education of the township and of the special school district, or between the board of education of the township and the boards of education of the special school districts, as the case may be, in proportion to the number of children of that township of school age living in the township outside of the special school district and living in the township within the special school district or districts, as the case may be. In addition to this general levy made by the joint boards, either board may levy an additional tax, not to exceed six mills, on the duplicate of all the taxable property within its own territory; the funds arising from this additional levy to be used only for the schools within the territory where such additional levy is made; and provided further that in event the levy so made by said boards

is inequitable to either, or insufficient to provide funds for and maintain the schools in either the township or special school districts, then either board may appeal to the county commissioners of the county in which the township is situated to adjust and make said levy; and said commissioners may then make such levy, not exceeding six mills, for the purposes named in this section, as they may deem just and equitable and sufficient to provide for and maintain the schools in said township and school districts; and provided further, that in the event either of said boards of education meet to fix a levy for school purposes, as provided in section 3958, before the levy is fixed by the joint board as herein provided, and the levy so made by said board of education, acting independently, is more than six mills on the dollar of valuation of taxable property in its school district, then the excess of the levy so made over and above the six mills shall be subject to division in proportion and manner as provided in this section, between the township and special districts.

SECTION 2. That section 3960 of the Revised Statutes of Ohio, passed April 25, 1904, be amended so as to read as follows:

Amount of levy to be certified to county auditor.

Sec. 3960. The amount of the levy fixed by the boards of education under sections thirty-nine hundred and fifty-eight (3958), thirty-nine hundred and fifty-eight *a* (3958*a*) and thirty-nine hundred and fifty-nine (3959), shall be certified to the county auditor in writing, on or before the first Monday in June of each year by the boards of education, and on or before the first Monday in August of each year by the county commissioners when the levy is made by them, who shall assess the entire amount upon all the taxable property of the district, and enter it upon the tax duplicate of the county, and the county treasurer shall collect the same at the time and in the same manner as state and county taxes are collected, and pay it to the treasurer of the district upon the warrant of the county auditor; and unless the county treasurer is paid a fixed salary he shall receive one per centum on all money so collected, and no more.

Repeals.

SECTION 3. Section 3960 is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

138G

[House Bill No. 348.]

AN ACT

To prohibit the destruction of fish by means of explosives and poisonous substances.

Be it enacted by the General Assembly of the State of Ohio:

Act to prohibit destruction of fish by means of explosives and poisonous substances; penalty.

SECTION 1. No person shall take, catch or kill fish in any waters over which the state of Ohio has jurisdiction by means of quicklime, electricity, or any kind of explosive or poisonous substance, nor place or use quicklime, electricity, explosive or poisonous substances in any such waters except for engineering purposes and upon the written permission of the president of the fish and game commission. Any person violating any of the provisions of this act shall, on conviction, be fined not less than fifty dollars nor more than two hundred and fifty dollars, or be imprisoned not less than thirty days or more than six months, or both.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

139G

[Senate Bill No. 153.]

AN ACT

To amend section 1465 of the Revised Statutes of Ohio, as amended April 23, 1904, (97 v. 188) relating to township cemeteries.

Be it enacted by the General Assembly of the State of Ohio:

Township cemeteries:

SECTION 1. That section 1465, as amended April 23, 1904, (97 v. 188) of the Revised Statutes of Ohio, be so amended as to read as follows:

Taxes therefor.

Sec. 1465. To defray the expenses of such purchase or appropriation, and of the inclosing and improving of such lands, the trustees may levy for one or more years a tax sufficient for that purchase [purpose], not exceeding two thousand dollars in any one year, and also each year thereafter such sum as may be necessary for the needful care, supervision, repair, and improvement of such cemeteries; but before any such purchase or appropriation is made or conveyance accepted, the question of a cemetery or no cemetery shall be submitted to a vote of the electors of the township at the regular annual election, which vote shall be taken on the order of the trustees, or the written application of any six electors of the township, specifying as near as may be the proposed location of such cemetery or cemeteries, and the estimated cost thereof, including inclosing and improving the same; on the making of which order or the filing of said application, the clerk shall give notice at least twenty days before said election that the vote will be taken, by posting up written notices in at least three public places in the township, and the electors who favor the proposition shall put on their ballots for township offices the word "cemetery"; and if a majority of the votes given at such election on such proposition is in favor of the proposition, the trustees shall procure the lands for that purpose and levy taxes as aforesaid.

Question of cemetery or no cemetery shall be submitted to vote.

Repeals.

SECTION 2. That section 1465 of the Revised Statutes of Ohio, as amended April 23, 1904, (97 v. 188), is repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

140G

[House Bill No. 637.]

AN ACT

To amend section 205 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, in relation to the appointment of boards of trustees for villages.

Be it enacted by the General Assembly of the State of Ohio:

Municipal corporations; villages:

SECTION 1. That section 205 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent herewith," passed October 22, 1902, be amended so as to read as follows:

Board of trustees of public affairs; election, term, etc., of members.

Sec. 205. In all villages in which waterworks, electric light plants, artificial or natural gas plants or other similar utilities are situate at the time of the passage of this act, or which at such time are in process of construction, or when council orders waterworks, electric light plants, natural or artificial gas plants, or other similar public utility to be constructed or to be leased, or purchased from any individual company or corporation, council shall at such time establish a board of trustees of public affairs for such village, consisting of three members who shall be residents of the village and shall be each elected for a term of two years; provided, however, that in the event that the council shall in accordance with the provisions of this act, establish such

Appointments.

board of trustees of public affairs, the mayor of such village shall appoint the members of such board subject to confirmation by the council, who shall hold their respective offices until such time as their successors shall have been elected in accordance with the provisions hereof, and such successors shall be elected at the next regular election of municipal

Vacancies.

officers held in such village. In case of any vacancy from death, resignation or otherwise, the same shall be filled for the unexpired term by appointment by the mayor subject to confirmation by the council.

Organization of board; powers and duties.

Said board shall organize by electing one of its number, president, and shall have authority to elect a clerk, who shall be known as the clerk of the board of trustees of public affairs. Said board shall have all the powers and perform all the duties that are provided to be performed by the trustees of waterworks in sections, 2407, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434 and 2435 of the Revised Statutes of Ohio, and such

other duties as may be prescribed by law or ordinance not inconsistent herewith.

SECTION 2. That said section 205 is hereby repealed. Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
141G

[Senate Bill No. 58.]

AN ACT

Authorizing councils of municipalities to grant franchises to interurban railroads, using electric or any other motive power except steam, for the purpose of securing terminals in municipalities.

Be it enacted by the General Assembly of the State of Ohio:

Council authorized to grant franchises to interurban railroads for the purpose of securing terminals in municipalities.

SECTION 1. That the council of any municipality may grant a franchise upon such terms and conditions as it may prescribe for the building of any interurban railroad having, constructing or building ten miles or more of track outside of such municipality, to any company or companies using electric or other motive power, save steam, for the purpose of securing to such company or companies access to or terminals within said municipality. The council may authorize such company to build and construct tracks and to operate cars thereon, on any street or streets, or parts of streets, of such municipality upon which tracks have not already been laid and where the consent of the owners of a majority foot frontage has already been obtained by such company.

And council may permit such interurban railroad to make use of the tracks or such parts of the tracks of any existing street railroad company within the limits of the municipality by agreement with the existing company in such municipality, or if no such agreement can be arrived at, such interurban railroad

company may be authorized by council to condemn the right to make use of the tracks of such existing company upon the payment of proper compensation, provided that such interurban railroad company shall be permitted to condemn and make use of not more than one-eighth of the trackage of such company within the municipality, or so much as may be necessary to give such interurban company access to terminals within such municipality or to enable such company to secure a right of way over such tracks through such municipality, provided, however, that any such interurban railway company seeking permission to enter or pass through any municipality shall not be required to submit to competitive bidding on such routes, provided that no grant or franchise shall be made to such interurban company for a period longer than 20 years, and provided further that no franchise granted under the provisions of this act shall be used for the purpose of operating a municipal street car system, it being the only intent of this act to provide a method whereby bona fide interurban railroads may gain access to, and a terminal within, and an exit from, a municipality.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

142G

[House Bill No. 608.]

AN ACT

To amend section 1235 of the Revised Statutes of Ohio, relating to maintenance of prisoners in county jails.

Be it enacted by the General Assembly of the State of Ohio:

Sheriffs and coroners:

SECTION 1. That section 1235 of the Revised Statutes of Ohio, be amended so as to read as follows:

Allowance for prisoners; additional for lunatics.

Sec. 1235. The sheriff shall be allowed by the county commissioners not less than forty-five nor more than seventy-five cents per day, for keeping and feeding prisoners in jail, but in any county in which there is no infirmary, the county commissioners may if they think the same just and necessary, allow any sum not exceeding seventy-five cents per day for keeping and feeding any idiot or lunatic, and the sheriff shall furnish at the expense of the county, to all prisoners confined in jail, except those confined for debt only, fuel, soap, disinfectants, bed, clothing, washing and nursing when required, and other necessaries as the court in its rules shall designate.

Repeals.

SECTION 2. Said section 1235 of the Revised Statutes of Ohio, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

143G

[Senate Bill No. 243.]

AN ACT

To amend section 3951 of the Revised Statutes of Ohio, and repeal an act passed April 29, 1902, (O. L. 95, page 327).

Be it enacted by the General Assembly of the State of Ohio:

School funds:

SECTION 1. That section 3951 of the Revised Statutes of Ohio, as amended May 8, 1902, be amended so as to read as follows:

"The state common school fund;" tax levy for.

Sec. 3951. For the purpose of affording the advantages of a free education to all the youth of the state, there shall be levied annually a tax of one mill on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the state common school fund," and for the payment of interest on the irreducible or trust fund debt for school purposes, ten one-hundredths of one mill, said fund to be styled, "the sinking fund." The rate for such levy shall be designated by the general assembly at least once in two years; and if the general assembly shall fail to designate the rate for any year, the same shall be one mill for the state common school fund, and ten one-hundredths of one mill for the sinking fund.

Repeals.

SECTION 2. Said section 3951 of the Revised Statutes of Ohio, as amended May 8, 1902, (O. L. 95, page 439), and an act passed April 29, 1902, (O. L. 95 page 327) are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

144G

[House Bill No. 395.]

AN ACT

To amend section 6968-2 and repeal sections 6968-5 and 6968-6 of the Revised Statutes of Ohio, relating to fishing in Lake Erie.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 6968-2 of the Revised Statutes of Ohio be amended to read as follows:

Offenses against public policy:

Sec. 6968-2. It shall be unlawful for any person, firm or corporation to use or operate for the purpose of catching fish any boat, net or device whatever, other than hook and line with bait or lure, in any of the waters within the jurisdiction of this state wherein fishing with nets is permitted, without first receiving a license so to do from the commissioners of fish and game of this state and paying to said commissioners the following amounts as license fees for each fishing season defined in this act, to-wit: For each rowboat used in fishing with gill nets or trammel nets, two dollars and fifty cents ($2.50); for each sailboat used in fishing with gill nets or trammel nets, four dollars ($4.00); for each gasoline power boat used in fishing with gill nets or trammel nets, seven dollars and fifty cents ($7.50); and for each steamboat used in fishing with gill nets or trammel nets, twelve dollars and fifty cents ($12.50); for each rowboat used in fishing with trot lines, $1.00; for each pound net or seine, two dollars ($2.00); for each seine, $2.50; for each net or other device used for catching fish, other than a gill net or trammel net, seine, pound net or hook and line, one dollar ($1.00). Each boat, net or other device used in catching fish contrary to the provisions of this section, shall constitute a separate offense. The spring fishing season shall begin on the fifteenth day of March and close on the thirty-first day of August, and the fall fishing season shall begin on the first day of September and close on the nineteenth day of November. Whenever any person, firm or corporation shall apply to the commissioners of fish and game for the license required by this act, said commissioners shall, upon receiving the license fees provided herein, issue such license duly signed by the president and secretary of the fish and game commission, which license shall remain in force and entitle the holder thereof to fish as permitted by law from the date of issue to and including the last day of the season for which such license was issued. Such license shall be carried by the operator or operators of said boats, nets or other devices while they are being so used and must be exhibited on demand to any warden, constable, sheriff, deputy sheriff, police officer or member of the fish and game commission, and it shall be unlawful for any license [licensee] or the agent or employee of any licensee having such license in his possession to refuse to exhibit it on demand to any proper officer or member of the fish and game commission. All

License for net fishing; from whom obtained; fees

Fishing season.

Disposition of license fees collected.

moneys collected as license fees under this act shall be paid by the commissioners of fish and game into the state treasury as a special fund to be used in establishing and maintaining fish hatcheries and propagating fish therein, or in propagating fish otherwise for the waters mentioned in this act; and for these purposes such fund is hereby appropriated and shall be paid out upon the order of the commissioners of fish and game, but shall not be used or paid out for any purpose other than the purposes for which said fund is appropriated. All applications for licenses and all licenses required by this act shall be in such form as the commissioners of fish and game may prescribe. The commissioners of fish and game shall issue to each licensee one metal tag for each net or other device, other than a gill net, trammel net or hook and line, used by such licensee for catching fish in the waters mentioned in this act, and one of said tags shall be attached by such licensee in such manner as the commissioners of fish and game may prescribe, to each net or device, other than a gill net, trammel net or hook and line, while such net or other device is in use. It shall be unlawful for any person, firm or corporation to use or operate any fish net or other device for catching fish in any of the waters mentioned in this section, other than a gill net, trammel net or hook and line, without first procuring from the commissioners of fish and game such metal tags and if such tags are not attached to such nets or other devices as herein required it shall be prima facie evidence that they have not been procured as herein required. Each net or other device used or operated without having such metal tag attached thereto as required herein shall constitute a separate offense. Whoever violates any of the provisions of this section shall, upon conviction, be fined not less than twenty-five dollars nor more than two hundred dollars and costs of prosecution, and on default of payment thereof, shall be imprisoned in the county jail or some workhouse one day for each dollar of fine and costs, and shall not be discharged, released or paroled therefrom by any authority, other than the commissioners of fish and game or upon payment of the fine and costs remaining unpaid.

Penalty for violation of this act.

Repeals.

SECTION 2. That said sections 6968-2, 6968-5 and 6968-6 of the Revised Statutes of Ohio be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
145G

[House Bill No. 330.]

AN ACT

In relation to the safety, competency and the employment of coal miners, and to punish for infraction of the same.

Be it enacted by the General Assembly of the State of Ohio:

Employment of coal miners; when miner may work alone.

SECTION 1. That every person desiring to work by himself as a miner in the coal mines of this state shall first produce satisfactory evidence to the mine boss of the mine in which he is employed, or desires to be employed, that he has worked at least one year with, or as a practical coal miner. Until said applicant has so satisfied the mine boss of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal unless accompanied by some competent coal miner, until he becomes duly qualified; provided that this act shall not [only] apply to mines generating fire damp, gas or combustible matter.

Penalty.

SECTION 2. Any person violating section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction be fined, not more than two hundred dollars, nor less than twenty-five dollars, at the discretion of the court.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
146G

[House Bill No. 483.]

AN ACT

To provide for the erection and equipment of public library buildings.

Be it enacted by the General Assembly of the State of Ohio:

Library board authorized to issue and sell bonds to provide for and furnish library buildings.

SECTION 1. Any public library board charged by law with the title, custody, control and maintenance of a public library in the state of Ohio may issue bonds, with interest coupons attached, to provide buildings for the public library in their charge, and to furnish the same, and to pay the cost and expense thereof, and in anticipation of income from taxes for such purposes levied or to be levied may, from time to time as occasion requires, or at any time after the passage of this bill, issue and sell bonds, bearing interest payable semiannually at a rate specified therein not exceeding five per cent. (5%) per annum, and in such sums and at such times as the library board may determine, which bonds shall be numbered consecutively, made payable to the bearer, and be signed by the president and secretary of the board and denominated "public library bonds of the..... library" (naming the one to provide and furnish buildings for which they are issued), and the secretary of said board shall keep a record of the number, date, amount, and rate of interest on each bond sold, the sum for which and the name of the person to whom sold, and the time when payable, which record shall be open to the inspection of the public at all reasonable times, and the bonds so issued shall in no case be sold for a less sum than the par value, nor bear interest until the purchase money for the same shall have been paid by the purchaser, and such library board shall pay such bonds and the interest thereon when due, provided that the total issue of bonds shall not exceed three and one-half (3½) mills on the dollar of the tax duplicate of the district upon which taxes are levied for the support of the said public library.

Order for issue of bonds to be made at regular meeting.

SECTION 2. The order to issue such bonds shall be made only at a regular meeting of such board and by a vote of two-thirds of all the members thereof, taken by yeas and nays and entered on the journal of the board, and such bonds shall be sold to the highest bidder after being advertised once a week for four (4) consecutive weeks in a newspaper having a general circulation in the county where such bonds are issued, and if there shall be more than one newspaper in such county having a general circulation in the county where such bonds are issued, then the sale of such bonds shall be advertised in at least one additional newspaper of such general circulation in such county. The advertisement shall state the total number of bonds to be sold, the amount of each, how long they are to run, the rate of interest to be paid thereon, whether annually or semiannual-

Advertisement of sale of bonds; what to state.

ly, the law or section of law authorizing their issue, the day, hour, and place in the county where they are to be sold, and the privilege shall be reserved by such board to reject all or any bids, and if said bids are rejected said bonds shall be readvertised and the moneys arising on premiums of the sale of said bonds as well as the principal shall be credited to said fund on account of which the bonds are issued and sold, and shall be used for the purpose provided in this section. Provided, however, that no order for the issue of bonds under the provisions of this act, shall become operative until the question of such issue shall have been submitted to the qualified electors of the district maintaining such library, at a general or special election, and until the same shall have been approved by a majority of the [voters] voting thereon at such election.

Question of bond issue must be submitted to vote.

SECTION 3. For the purpose of creating a sinking fund for the extinguishment of the bonds provided for in the preceding section, said library board may annually, until the payment of the bonds are fully provided for, levy and collect a tax in addition to other taxes now authorized to be levied by it, which shall not exceed two and one-half tenths (.25) of one mill upon the taxable property of the tax district taxed for the support of said library, which tax shall be paid into what treasury is the treasury of said board, and on order of the public officer charged by law with the duty of drawing warrants upon such treasury paid over to the sinking fund hereinafter provided for, and by them applied, by order of the library board, to the extinguishment of the bonds in the preceding section provided, and to no other purpose whatever; and the taxes so levied shall be certified and placed on the tax list and collected in the same manner as other taxes of said taxing district, and such tax shall be a lien upon the property whereon they are assessed, the same as state and county taxes, and subject to the same penalties if delinquent.

Tax levy for payment of bonds.

SECTION 4. If in said taxing district there is already a board of trustees of a sinking fund for said library, such board shall act under this act; but if there is not now such a board, there shall be a board designated as "the trustees of the library sinking fund of said taxing district" composed of three (3) citizens thereof to be appointed by the court of common pleas in the county in which said public library is situated. The first appointment shall be one for the term of one year, one for the term of two years, and one for the term of three years, and all trustees appointed thereafter shall serve for three years, except in case of vacancy, which shall be filled by said court for the unexpired term. And before any money shall be paid to such board under this act, if such board already exists, and before any person appointed as a member of such board hereafter coming into existence shall assume the duties of his office, each member of said board shall give bond to the state of Ohio in amount equal to two per cent. (2%) on the amount of the

"Trustees of the library sinking fund;" appointment, etc., of members of board.

Bond.

bonds issued by said board, with not less than two (2) sureties, to faithfully discharge his said duties.

Organization of board, etc.

SECTION 5. Such trustees immediately after appointment and qualification shall organize by appointing one of their number as president, and the officer charged by law with the drawing of warrants on such treasury shall act as secretary of said board of trustees, and the library board shall provide such trustees with a place of meeting, and regular meetings of such trustees shall be held on the second Monday of January and July of each year, but other meetings may be called by the president or any member of the board. Their proceedings shall be recorded in a journal kept for that purpose, which shall at all times be open to the inspection of the library board or any member thereof, and all questions relating to the purchase or sale of securities, payment of bonds or interest, shall be decided by a viva voce vote with the name of each member voting recorded on the journal, and no question shall be decided unless approved by a majority of the whole board.

Board shall certify to library trustees rate of tax necessary to be levied.

SECTION 6. The trustees of such sinking fund shall in the month of May in each year, and oftener if required, certify to the library board the rate of tax, not exceeding the limit herein provided, necessary to provide a sinking fund for the payment of the bonds issued by authority of this bill, together with the amount necessary to be levied to provide for the payment of the interest thereon, and the library board shall levy the amount so certified as under this bill provided, and for the full amount so certified, but said library board may increase the amount so reported, provided the total amount so levied does not exceed the limitation provided in this bill.

Investment of sinking fund.

SECTION 7. The trustees of such sinking fund shall invest the sinking fund in bonds of the United States, of the state of Ohio, of any municipal corporation, county, township or school district of any state or in bonds of its own issue. All interest received from such investments shall be deposited as other funds of said sinking fund, and reinvested in a like manner. For the extinguishment of any bonded indebtedness included in said sinking fund, the board of trustees of the sinking fund is authorized to sell or use any of the securities or money of said fund.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
147G

[House Bill No. 419.]

AN ACT

To amend sections 2 and 3 of an act entitled "An act to provide against the adulteration of food and drugs," passed March 20, 1884, and section 3 of said act, as amended April 22, 1890, and April 20, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Adulteration:

SECTION 1. That sections 2 and 3 of an act entitled "An act to provide against the adulteration of food and drugs," passed March 20, 1884, and section 3 of an [said] act, as amended April 22, 1890, and April 20, 1904, be so amended as to read as follows:

Terms "drug" and "food" defined.

Sec. 2. The term "drug," as used in this act, shall include all medicines for internal or external use or for inhalation, antiseptic, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food, drink, flavoring extract, confectionery, or condiment by man, whether simple, mixed or compound. The term "flavoring extract," as used herein, shall include any article used as a flavor for foods or drinks, whether used or sold under the name of extract, flavor, essence, tincture, or any other name.

Sec. 3. An article shall be deemed to be adulterated within the meaning of this act.

When drugs deemed adulterated.

(*a.*) In the case of drugs: (1) If, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality and purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold.

When food deemed adulterated.

(*b.*) In the case of food, drink, flavoring extract, confectionery or condiment: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in

part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if it is sold under a coined name and does not contain some ingredient suggested by such name or contains only an inconsiderable quantity; (9) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (10) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia but is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (11) if the strength, quality or purity falls below the professed standard under which it is sold; (12) in case any flavoring extract for which no standard exists, the same is not labeled "artificial" and the formula printed in the same manner hereinafter provided for the labeling of "compounds" or "mixtures" and their formulae; (13) if the package containing it or any label thereon shall bear any statement regarding it or its composition which shall be false or misleading in any particular; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, or drink, if each and every package sold or offered for sale be distinctly labeled in words of the English language, as mixtures or compounds, with the name and per cent. of each ingredient therein. The word "compound" or "mixture" shall be printed in letters and figures not smaller in either height or width than one-half the largest letter upon any label on the package and the formula shall be printed in letters and figures not smaller in either height or width than one-fourth the largest letter upon any label on the package, and said compound or mixture must not contain any ingredient injurious to health.

Repeals.

SECTION 2. That all former enactments of said sections 2 and 3 are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it

originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
148G

[Senate Bill No. 181.]

AN ACT

To amend sections 268 and 269 of the Revised Statutes of the state of Ohio, relating to the duties of the superintendent of insurance.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 268 and 269 of the Revised Statutes of Ohio be amended so as to read as follows:

Superintendent of insurance:

Sec. 268. The superintendent shall see to the execution and enforcement of all laws relating to insurance, and shall investigate all reported violations of said laws. When a violation of any law relating to insurance be reported to him, he shall take or cause to be taken, the testimony, on oath, of any and all persons supposed to have knowledge of such violation and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is sufficient evidence, he shall cause the person reported to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Duty of superintendent of insurance to enforce insurance laws and investigate violations of same.

Sec. 269. The superintendent may appoint a deputy superintendent having the same qualifications as the superintendent, whose appointment may be evidenced by a certificate under the official seal of the superintendent. Before entering upon the discharge of his duties, the deputy superintendent shall take the oath of office, and give bond in the sum of ten thousand dollars to the superintendent with two or more sureties to the acceptance of the superintendent, conditioned for the faithful performance of his official duties. He shall appoint a warden whose duty it shall be to investigate all reported violations of laws relating to insurance, who shall receive such compensation as is provided for other clerks in the department.

May appoint deputy.

Oath and bond.

Shall appoint warden.

In case of the absence or inability of the superintendent, the deputy superintendent shall have the powers and perform the duties of the superintendent. The deputy superintendent shall receive a salary of two thousand four hundred dollars per annum.

Powers and duties of deputy.

Fees payable by foreign insurance companies for the making out and forwarding of interest checks and coupons.

Foreign insurance companies shall pay, annually, as fees for making out and forwarding annually, semiannually and quarterly the interest checks and coupons accruing upon bonds and securities deposited, the sum of twenty-five dollars on each one hundred thousand dollars so deposited, which fees shall be turned over to the state treasurer on the warrant of the state auditor.

Clerks and experts.

The superintendent may employ from time to time such other clerks as the prompt dispatch of business requires; and he may, also, from time to time, employ skilled and competent persons to examine the business and affairs of insurance companies and report thereon.

Power of superintendent, deputy or warden to compel attendance of witnesses.

The superintendent, his deputy superintendent or warden, while employed in the enforcement of the laws relating to insurance or in investigating reported violations of the same shall each have power in any county in the state of Ohio, to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the laws of the state the subject of inquiry and investigation; and may require the production of any book, paper or document demanded pertaining thereto by them or either of them.

Repeals, etc.

SECTION 2. This act shall be in full force and effect from and after its passage, and said original section 268 and 269 of the Revised Statutes of Ohio are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

149G

[House Bill No. 347.]

AN ACT

To amend section 3934 of the Revised Statutes of Ohio, as amended April 25, 1904, authorizing boards of education to provide for the transportation of pupils to schoolhouses.

Be it enacted by the General Assembly of the State of Ohio:

Special school districts:

SECTION 1. That section 3934 of the Revised Statutes of Ohio as amended April 25, 1904, be amended so as to read as follows:

Board of education may provide for conveyance of pupils to schoolhouse.

Sec. 3934. Boards of education of special school districts are authorized to provide for the conveyance of the pupils of said districts to the school or schools of the districts, the expense of said conveyance to be paid from the school fund of the special school districts; provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one-half of a mile from the schoolhouse; transportation of pupils, in any event, being optional with the board of education.

Repeals.

SECTION 2. That said original section 3934, as amended April 25, 1904, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

150G

Fees payable by foreign insurance companies for the making out and forwarding of interest checks and coupons.

Foreign insurance companies shall pay, annually, as fees for making out and forwarding annually, semiannually and quarterly the interest checks and coupons accruing upon bonds and securities deposited, the sum of twenty-five dollars on each one hundred thousand dollars so deposited, which fees shall be turned over to the state treasurer on the warrant of the state auditor.

Clerks and experts.

The superintendent may employ from time to time such other clerks as the prompt dispatch of business requires; and he may, also, from time to time, employ skilled and competent persons to examine the business and affairs of insurance companies and report thereon.

Power of superintendent, deputy or warden to compel attendance of witnesses.

The superintendent, his deputy superintendent or warden, while employed in the enforcement of the laws relating to insurance or in investigating reported violations of the same shall each have power in any county in the state of Ohio, to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the laws of the state the subject of inquiry and investigation; and may require the production of any book, paper or document demanded pertaining thereto by them or either of them.

Repeals, etc.

SECTION 2. This act shall be in full force and effect from and after its passage, and said original section 268 and 269 of the Revised Statutes of Ohio are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

149G

[House Bill No. 347.]

AN ACT

To amend section 3934 of the Revised Statutes of Ohio, as amended April 25, 1904, authorizing boards of education to provide for the transportation of pupils to schoolhouses.

Be it enacted by the General Assembly of the State of Ohio:

Special school districts:

SECTION 1. That section 3934 of the Revised Statutes of Ohio as amended April 25, 1904, be amended so as to read as follows:

Board of education may provide for conveyance of pupils to schoolhouse.

Sec. 3934. Boards of education of special school districts are authorized to provide for the conveyance of the pupils of said districts to the school or schools of the districts, the expense of said conveyance to be paid from the school fund of the special school districts; provided, however, that boards of education of such districts as provide transportation for the pupils thereof, shall not be required to transport pupils living less than one-half of a mile from the schoolhouse; transportation of pupils, in any event, being optional with the board of education.

Repeals.

SECTION 2. That said original section 3934, as amended April 25, 1904, be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

150G

[Senate Bill No. 225.]

AN ACT

To amend section 53 of the Revised Statutes of Ohio, relative [relation] to powers of committees of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Powers of legislative committees:

SECTION 1. That section 53 of the Revised Statutes of Ohio be amended so as to read as follows:

Testimony not to be used on criminal prosecution of witness.

Sec. 53. The testimony of a witness examined before a committee or subcommittee shall not be used as evidence in a criminal proceeding against him, and no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise.

Provided, however, that nothing herein shall be construed to exempt a witness from the pains and penalties of perjury.

Repeals.

SECTION 2. That said original section of the Revised Statutes of Ohio be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

151G

[Senate Bill No. 82.]

AN ACT

To fix the terms of the judges of the supreme court so as to conform to the constitutional provisions relating to biennial elections.

Be it enacted by the General Assembly of the State of Ohio:

Supreme court:

SECTION 1. That sections 410 and 411 of the Revised Statutes of Ohio, are so amended as to read as follows:

Number, election and term of judges.

Sec. 410. The supreme court shall be composed of six judges two of whom shall be chosen in each even numbered year, and shall hold their offices for six years, commencing on the first day of January next after their election. The judges of the supreme court shall meet, annually on the first Tuesday after the first Monday of January, in the city of Columbus, to hold a term of the court; and the court may hold special or adjourned terms at such times and places as the judges, or a majority of them, may, from time to time, determine, but if a special term is held elsewhere than at Columbus, thirty days' notice of the time and place of such special term shall be given by the judges or a majority of them, by publication in the newspapers printed in the city of Columbus; and the court may make all necessary orders for the return of process and the transmission of papers and files of the court to and from the place of holding the special term.

Regular annual term.

Special terms.

May be organized into two divisions; chief justices.

Sec. 411. The supreme court may be organized into two divisions and when so organized the two judges having the shortest time to serve, and not holding their offices by appointment or election to fill a vacancy, shall be the chief justices of their respective divisions, and as such shall preside at all terms of such divisions; and in case of the absence of the chief justice of a division, the judge of such division having in like manner the next shortest time to serve, shall preside in his stead, and the elder in service of the two chief justices of such divisions shall be the chief justice of the whole court, and as such shall preside at all terms of such court, and in case of his absence the other chief justice of a division of the court shall preside in his stead. (See §439.)

Extension of term of office of judges in office July 1, 1906; election of successors.

SECTION 2. The terms of office of each judge of the supreme court in office on the first day of July, 1906, shall terminate with the 31st day of December in the even numbered year next succeeding the time when their respective terms of office would, under the statutes now in force, have terminated, and their successors shall be chosen on the first Tuesday after the first Monday in November, next preceding the expiration of their respective terms of office.

Repeals.

SECTION 3. That sections 410, 410*a* as enacted April 15, 1892 (89 v. 317), and 411 as amended April 15, 1892 (89 v. 317), of the Revised Statutes of Ohio are repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
152G

[House Bill No. 205.]

AN ACT

To provide for a general registration of electors in villages and cities upon action of the council.

Be it enacted by the General Assembly of the State of Ohio:

Council may provide for general registration of electors in municipality.

SECTION 1. That the council of any city or village in which registration is not now required by law may provide for a general registration of electors in the several wards or precincts thereof in the manner and at the times, and on the days now provided by law for registration in cities which now or hereafter may have quadrennial registration; and when the council so provides, no person shall be deemed or held to have acquired a legal residence in any ward or election precinct in any village, for the purpose of voting therein at any election, general or special, nor shall he be admitted to vote at any election therein, unless he shall have caused himself to be registered as an elector in such ward or precinct in the manner and at the time now required by law in cities which now have or hereafter may have quadrennial registration.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
153G

[Senate Bill No. 36.]

AN ACT

To conform the terms of office of various state and county officers to the constitutional provisions of [relating to] biennial elections.

Be it enacted by the General Assembly of the State of Ohio:

Extension of terms of office of state and county officers.

SECTION 1. The existing terms of office of the following state and county officers, which would otherwise expire in any even numbered year, are hereby extended to the following dates respectively of the odd numbered year next succeeding the time when they would so otherwise expire:

Clerk of the supreme court, to the first Monday of February.

Judge of the probate court, to the ninth day of February.

County auditor, to the third Monday in October.

Member of board of county commissioners, to the third Monday in September.

County treasurer, to the first Monday in September.

County recorder, to the first Monday in September.

County surveyor, to the first Monday in September.

Sheriff, to the first Monday in January.

Coroner, to the first Monday in January.

Clerk of the court of common pleas, to the first Monday in August.

Prosecuting attorney, to the first Monday in January.

Member of board of infirmary directors, to the first Monday in January.

And the incumbents in said several offices, at the time when said existing terms would otherwise expire, shall continue to hold and enjoy the same until the expiration of said respective terms as so extended, subject to all the provisions of law relating to removals and vacancies therein.

Bonds.

Before entering upon the discharge of his duties for such added period, any person entitled to hold any such office therefor, shall give bond to the state, in like manner and form as is required of one elected to fill such office.

Terms of office of state and county officers.

At any election for state and county officers hereafter held, successors to all such officers whose term will expire during the odd numbered year next succeeding the holding of such election, shall be elected, for terms to commence at such time during said odd numbered year as is provided by law, and to continue for the following periods respectively:

Clerk of the supreme court, two years.
Judge of the probate court, four years.
County auditor, two years.
County commissioners, two years.
County treasurer, two years.
County recorder, two years.
County surveyor, two years.
Sheriff, two years.
Coroner, two years.
Clerk of the common pleas court, two years.
Prosecuting attorney, two years.
And infirmary directors, two years.

Non-extension of term of office of county officer whose term expires in 1906 and whose successor was elected prior to passage of this act.

Provided further that the term of office of any such county officer, expiring in the year one thousand nine hundred and six, whose successor was elected prior to the passage of this act, shall not be extended.

SECTION 2. That sections 354, 414, 839, 841, 842, 957, 958, 1013, 1137, 1163 and 1240 of the Revised Statutes be so amended as to read as follows:

State commissioner of common schools; election and term; vacancy.

Sec. 354. There shall be elected, biennially, at the general election for state officers, a state commissioner of common schools, who shall hold his office for the term of two years from the second Monday of July succeeding his election; and in case of a vacancy occurring by death, resignation or otherwise, the governor shall fill the same by appointment.

Clerk of supreme court; election and term.

Sec. 414. There shall be elected, biennially, by the voters of the state, a clerk of the supreme court, who shall hold his office for two years, beginning on the first Monday of February next after his election.

County commissioners; election, number and term.

Sec. 839. The board of county commissioners shall consist of three persons, to be elected biennially, who shall hold their office for two years, commencing on the first day of December next after their election.

Election to fill vacancy.

Sec. 841. When it becomes necessary to elect a commissioner to fill a vacancy occasioned by death, resignation, or removal, the person elected shall hold his office for the unexpired time for which his predecessor was elected.

When a vacancy shall be filled by election; when by appointment, and by whom.

Sec. 842. When a vacancy occurs more than thirty days before the next election for state and county officers, a successor shall be elected thereat; and when a vacancy happens, whether more than thirty days before such election, or within that time, and the interest of the county require that the vacancy shall be filled before the election, the probate judge, auditor and recorder of the county, or a majority of them, shall appoint a commissioner, who shall hold his office until the successor is elected and qualified.

Infirmary directors; election, number and term.

Sec. 957. In every county in which there is a county infirmary, there shall be a board of infirmary directors, composed of three persons, to be elected biennially, who shall hold their office for two years, commencing on the first Monday in January next after their election. They shall be chosen by the electors of the county, unless part of the county is not taxed for the support of the county infirmary, in which case they shall be voted for only by the residents of the territory so taxed.

Election in county on completion of infirmary; terms.

Sec. 958. In each county in which the county infirmary has not yet been completed, there shall be elected, at the first election for state and county officers after the completion thereof, a board of three infirmary directors, the term of office commencing as above, and to continue two years.

County auditor; election and term.

Sec. 1013. A county auditor shall be chosen biennially in each county, who shall hold his office for two years, commencing on the third Monday in October next after his election.

County recorder; election and term.

Sec. 1137. There shall be elected biennially, in each county, a county recorder whose term of office shall be two years, beginning on the first Monday of September next after his election.

County surveyor; election and term.

Sec. 1163. There shall be elected biennially, in each county, a county surveyor, whose term of office shall be two years, beginning on the first Monday of September next after his election.

Clerk of courts; election and term.

Sec. 1240. There shall be elected biennially, in each county, a clerk of the court of common pleas, who shall hold his office two years, beginning on the first Monday of August next after his election.

Prosecuting attorney; election and term.

Sec. 1267. There shall be elected biennially, in each county, a prosecuting attorney, who shall hold his office for two years, beginning on the first Monday of January next after his election.

Repeals.

SECTION 3. That said sections 354, 414, 839, 841, 842, 957, 958, 1013, 1137, 1163, and 1240, together with section 840, of said Revised Statutes, be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
Passed April 2, 1906. *President pro tem. of the Senate.*

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

154G

[House Bill No. 471.]

AN ACT

To amend sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled, "An act to authorize certain county commissioners to provide depositaries for public money and for other purposes," passed May 21, 1894, as amended April 26, 1898.

Be it enacted by the General Assembly of the State of Ohio:

County depository act:

SECTION 1. That sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled, "An act to authorize certain county commissioners to provide depositaries for public money and for other purposes," passed May 21, 1894, as amended April 26, 1898, be amended so as to read as follows:

County depository.

Sec. 1. In each county the commissioners thereof shall designate in the manner hereinafter provided, a bank or banks or trust companies situated in such county and duly incorporated under the laws of this state, or organized under the laws of the United States as a depositary or depositaries of the money of the county, provided that in any county where no such bank or trust company exists or where such bank or banks neglect to bid as provided for herein or to comply with all of the conditions of this act, the commissioners shall designate any other bank or banks incorporated under the laws of this state or organized under the laws of the United States, located and doing business in this state, and provided further that no bank or trust company shall receive a larger deposit than, and in no event to exceed, four hundred thousand dollars. Provided where the county seat in any county has no bank of the description as defined in Sec. 1 of this act, that any private bank may be authorized to receive such funds, provided they give security to sufficiently cover such deposits; provided that where the highest bidder on account of the large amount of money to be deposited and is not entitled to all of the funds of the county, that the commissioners after according to the highest bidder all that it is entitled to, shall award the balance to the next highest bidder or bidders respectively.

Notice for proposals from banks; what to contain.

Sec. 2. When the commissioners of any county provide a depositary or depositaries for the money of such county, they shall publish in two newspapers, of general circulation in the county, for two consecutive weeks, a notice which shall invite sealed proposals from all banks or trust companies coming within the provisions of the preceding section, which proposals shall stipulate the rate of interest, not less than two per cent. per annum on the average daily balance, that will be paid for the use of the money of the county, as provided herein; and each proposal shall contain the names of the sureties, or securities, or both, that will be offered to the county in case the proposal is accepted.

Opening of proposals and awarding.

Sec. 3. On the Monday next, following the last insertion of such notice, at the hour of twelve o'clock, noon, the commissioners shall, in open session, open such sealed

proposals, and shall award the use of the money of the county to the bank or banks or trust companies that offers the highest rate of interest therefor, on the average daily balance, provided proper sureties, securities, or both, are tendered in such proposal, and provided, that if such award shall be to a bank or banks or trust companies outside the municipality at which the county seat of such county is fixed, the expenses and risks of making deposits therein by the county treasurer, as hereinafter provided for, shall be borne by such bank or banks or trust companies to which such award shall have been made, and if two or more banks offer the same highest rate of interest, with proper sureties, securities, or both, the use of the money shall be awarded to either of them, or the commissioners may divide the funds to be deposited, and award a portion thereof to each of such banks or trust companies and if no proposals are received offering a rate of interest as required in section 2 of this act, the commissioners shall at once, again advertise in the manner aforesaid for such proposals, until acceptable proposals are received; but each said subsequent advertisement, shall also state whether any proposal was received under the preceding advertisement, and if any was received, from what bank or banks or trust companies and the rate of interest offered.

Expenses and risks when deposits made outside county seat.

Sec. 4. No such award shall be binding on such county, nor shall any of the money of the county be deposited thereunder until the hypothecation of the bonds provided for in section 7 of this act, or until there is executed by the bank or banks or trust companies selected, and accepted by the commissioners, a good and sufficient undertaking, payable to the county, and to be recovered in the name of the county commissioners, for the use of the county, in such sum, as the commissioners shall direct, and which shall not be less than the sum that shall be deposited in the depositary or depositaries at any one time; and such undertaking shall be signed by at least six resident freeholders as sureties, or, by a fidelity and indemnity insurance company, authorized to do such business within the state, and having not less than $250,000 capital, to the satisfaction of the commissioners, as provided herein, and conditioned for the receipt, safe-keeping and payment over, of all money which may come under its custody, under and by virtue of this act, and under and by virtue of its proposal and the award of the commissioners, together with the interest thereon at the rate specified in the proposal, and the undertaking shall be further conditioned, for the faithful performance by the bank or banks or trust companies of all the duties imposed by this act upon the depositary or depositaries of the money of the county.

Undertaking required.

Sec. 5. Such undertaking shall not be accepted by the commissioners, until it shall have been submitted to the prosecuting attorney, and certified by him to be in due and legal form, and conformable to the provisions of this act,

Approval of undertaking; failure to execute same.

which certificate shall be endorsed thereon; and if any bank or trust company to which an award is made as aforesaid, fail to execute an undertaking as required hereby, to the acceptance of the commissioners or fail to hypothecate the bonds, as provided in section 7 of this act, within thirty days from the time the award is made, the commissioners may award the use of the money to any other bank or banks or trust companies whose written proposal offers the same rate of interest therefor, as designated in the proposal of such defaulting bank or trust company; but if the written proposal of no other bank or trust company offers the same rate of interest, they may award such use to any bank or banks or trust companies whose written proposal offers the next highest rate of interest therefor, the undertaking and hypothecation required to be executed in either case; or the commissioners may, in case of default as aforesaid, advertise for others in the manner aforesaid.

When bank or trust company becomes depository; term.

Sec. 6. The bank or banks or trust companies to which an award is made, shall, upon the acceptance by the commissioners of the undertaking, and upon the hypothecation of the bonds as provided for herein, before the depositary or depositaries of the money of the county, and remain such for three years, or until the undertaking of its successor or successors is accepted by the commissioners; but the commissioners may, at any time they deem the same necessary, require additional security from the bank or banks or trust companies in such sum as they shall designate; and if the bank or banks or trust companies refuse, or neglect, for the period of five days thereafter, to give such additional security, they may order the removal of the county's deposits therefrom, to the county treasury, or may designate some other bank or banks or trust companies to [be] the depositary thereof temporarily, at the same rate of interest. Such removal, and all other removals ordered by the commissioners under the provisions of this act, shall be made upon their written order, and the check of the county treasurer, after thirty days' notice to said depositary banks. If the money in case of such removal, be deposited in a bank designated as a depositary, temporarily, such bank or trust company shall, before the receipt by it of any such money, enter into an undertaking and hypothecate the bonds as required by this act; but if no bank or trust company be so designated, the money shall be kept in the county treasury and steps at once taken by the commissioners to create a new depositary under this act.

Additional security, etc.

Removal of deposits.

Hypothecated bonds as security.

Sec. 7. The commissioners may in lieu of the undertaking provided for by preceding sections, accept as security for money deposited as aforesaid, interest bearing securities of the United States or a state, county or municipal corporation, the indebtedness whereof does not exceed ten per cent. of the assessed valuation; the face value of which shall not be less than the sum specified in section 4 of this act, as the amount to be named in the undertaking, in lieu of which such bonds are accepted, or they may accept such bonds as partial

security to the extent of their face value for the money so deposited and require an undertaking for the remainder of the full amount specified in said section, to be named in the undertaking, and in the undertaking so required, such acceptance of bonds as partial security, and the extent thereof shall be set forth. The hypothecation of such bonds shall be by proper legal transfer as collateral which shall stipulate that the bonds shall be the property of the county, in case of any default on the part of the bank in its capacity as depositary as aforesaid, and that its negotiation or release by the commissioners shall require the signature of each member of the board. The commissioners shall make ample provision for the safe-keeping of such hypothecated bonds; and the interest thereon when paid, shall be turned over to the bank or trust company, so long as it is not in default as aforesaid.

Deposits by the treasurer.

Sec. 8. The treasurer shall, upon the receipt of a written notice from the commissioners, stating that a depositary or depositaries has been selected in pursuance of the provisions of this act, and naming the bank or banks or trust companies selected as such depositary or depositaries, deposit as directed by the commissioners to the credit of the county, all money in his possession, except such as may be necessary to meet current demands, in such bank or banks or trust companies, and thereafter he shall before noon of each business day, deposit in such bank or banks or trust companies all money received by him the preceding business day, except as hereinbefore provided; and such money shall be payable only on the check of the treasurer. All money deposited with any depositary shall bear interest at the rate specified in the proposal on which the award to it was made, to be computed on daily balances and such interest shall be placed to the credit of the county, on the first day of each calendar month, or at any time when the account may be closed, and when the interest is credited to the county, the depositary shall notify the auditor and treasurer each separately in writing, of the amount thereof before noon of the next business day, and all of such interest shall be apportioned to the several funds in proportion to the amount of interest accruing to such different funds by the county auditor, and the county auditor shall inform the treasurer in writing of the amount credited to each of such funds.

Monthly statements of depository.

Sec. 9. On the first business day of each month, the depositary or depositaries shall notify the county auditor, in writing, of the amount of deposits made by the treasurer for the preceding month, giving the amount and date of each deposit, and the balance on deposit to the credit of the county, at that time, and the auditor and treasurer shall each prepare and submit to the commissioners a sworn statement of the finances of the county for the preceding month, which shall show the amount of, money received to the credit of each fund, and account the amount disbursed from each, the balance remaining to the credit

Monthly statement of auditor and treasurer.

of each, the balance of money in the depositary or depositaries, and the balance in the treasury, and the commissioners shall place such statements on file, together with the statement from the depositary, and forthwith post a duly certified copy of each in the auditor's office, to remain so posted, at least thirty days for the inspection of the public. On the day aforesaid, some officer of the bank or banks or trust companies acting as a county depositary or depositaries, shall file with the county commissioners, all checks of the county treasurer, paid and redeemed by the bank or trust company, during the previous month, and the commissioners shall compare such checks with the report of the county treasurer, and if the statement of such bank or banks or trust companies and the treasurer do not agree, the commissioners shall forthwith give notice thereof to the treasurer and auditor, who shall thereupon ascertain the cause of such discrepancy and report the same to the commissioners. Whenever the county treasurer shall have fully complied with all of the provisions of this act he shall not be held personally liable on account of any loss which the county may have sustained by reason of the default or failure of any such depositary.

Posting of statements.

Validity of contracts now existing.

SECTION 2. Nothing in this act shall affect the validity of any contract now existing between any board of county commissioners and a bank made under the provisions of the acts hereby repealed.

Repeals.

SECTION 3. That said original sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of an act entitled "An act to authorize certain county commissioners to provide depositaries for public money and other purposes," passed May 21, 1894, as amended April 26, 1898. Also an act passed May 21, 1894, entitled "An act to authorize certain county commissioners to provide depositaries for public money and for other purposes," amended April 27, 1896. Also an act entitled "An act to require the county commissioners in counties containing a city of the second grade of the first class to provide a depositary for the county funds and for other purposes," passed April 13, 1888, and as amended April 5, 1894. Also an act entitled "An act to require the county commissioners in counties containing a city of the third grade of the first class to provide a depositary for the public money and for other purposes," passed April 13, 1888. Also an act entitled "An act to require the county commissioners in any county having a population at the census of 1880 of 64,031 and containing a city of the second class third grade to provide a depositary for the county funds and for other purposes," passed April 15, 1889. Also an act entitled "An act to provide a county depositary in certain counties," passed March 26, 1891, be and the same are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after July 1, 1906. When act in effect.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

155G

[Senate Bill No. 88.]

AN ACT

To amend an act entitled, "An act providing for the operations of the state highway department and providing for investigating the chemical and physical character of road making material, and for defining the word highway, and to provide for a tax levy to repair destroyed highways, by freshet and other casualty," passed April 18, 1904, O. L. Vol. 97.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3 and 5 of an act entitled, "An act providing for the operations of the state highway department and providing for investigating the chemical and physical character of road making material and for defining the word highway, and to provide for a tax levy to repair destroyed highways, by freshet and other casualty," passed April 18, 1904, be amended so as to read as follows: State highway department:

Sec. 3. The county commissioners in order to avail themselves each year, of the aid provided for[by]the state of Ohio for assistance in constructing highways; shall make application to the highway commissioner before the first of January of each year; provided, however, that for the year 1906 such application may be filed not later than April 30, 1906, and any part of the appropriation for 1906 unexpended February 15, 1907, shall be available for the several counties until February 15, 1908. County commissioners in order to avail themselves of aid herein provided shall apply to department annually.

Sec. 5. The highways constructed or reconstructed under the provisions of any act providing for aid by the state, shall thereafter be known as "state highways," and shall be kept in repair, by the county commissioners, so that they may be maintained at the standard of condition prescribed State highways.

for highways of their class by the state highway department, at the expense of the county in which such highway may lie.

Repeals.

SECTION 2. Said sections 3 and 5 are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
156G

[House Bill No. 163.]

AN ACT

To provide for the cleaning out and keeping in repair of public ditches, drains and water courses and to repeal an act passed April 15, 1902, entitled, "An act to provide for the cleaning out and keeping in repair public ditches, drains and water courses, and to repeal sections 4496, 4497, 4497a, 4498, 4553, 4554, 4555, 4556 of the Revised Statutes of Ohio, and sections 1 to 13 inclusive and as amended of an act entitled, "An act to provide for the cleaning out and keeping in repair public ditches and water courses," passed April 15, 1902.

Be it enacted by the General Assembly of the State of Ohio:

Township ditch supervisor; election, term and vacancies.

SECTION 1. That in any township in which there have been located and established county or township ditches, or in which county or township ditches may hereafter be located and established, there may at the time and in the manner provided by law for the election of township officers, be elected a township ditch supervisor, who shall serve for a term of four years. In case a vacancy occurs in this office, by resignation or otherwise, the township trustees shall fill said vacancy by appointment, until the next proper election, when a successor shall be chosen for the unexpired term.

Oath and bond.

SECTION 2. Before entering upon the duties of his office the township ditch supervisor shall take an oath of office, and shall give bond, with sureties approved by the trustees, in such sum as they determine, payable to them, and conditioned for the faithful performance of his duties as such ditch supervisor, and said bond shall be recorded by the township clerk, and filed with him, and be carefully preserved.

Division of ditch into working sections; apportionment of same to township, county and landowners according to benefits.

SECTION 3. For the cleaning out and keeping in repair of all township and county ditches, it shall be the duty of the township ditch supervisor to divide the same into working sections and apportion the same to the landowners, corporate roads, railroads, township and county according to the benefits received, and all working sections allotted to each landowner to be on or as near as practicable to his premises.

Ditch located in two or more townships, apportionment of.

SECTION 4. When an established ditch or water course is located in two or more townships, the township ditch supervisors of the townships in which the said improvement is located shall together make the apportionment provided for in section 3 of this act.

Notice of apportionment.

SECTION 5. When the apportionment of any ditch provided for in sections 3 and 4 of this act is completed, the ditch supervisor shall within ten days after the same is completed notify in writing each of the lot and landowners, corporate roads, railroads, township and county, assessed thereon, of the portion assigned to them and of the date of the completion of the apportionment and it shall be the duty of each lot and landowner, corporate road, railroad, township and county, so notified, to clean out said portion, or section, of the said ditch or water course, as fixed by such apportionment, or in case the same be changed by the trustees, then as fixed by them, to its full depth and capacity as originally constructed, and whenever necessary reclean the same without further notice. It shall also be the duty of all parties assessed as provided in this section to mark the terminus of their respective working section, by planting a substantial post or marker, on which shall be cut or painted the number of the section.

Duty of landowner, etc., as to the cleaning out of ditches.

Meeting of township trustees to hear and consider protests against apportionment.

The trustees of the township wherein said ditch is located, or in case the same be located in more than one township then the trustees of the several townships shall hold a meeting at their usual place of meeting, and in case of a joint meeting then at the usual place of meeting of the trustees of the township wherein the ditch begins, on the second Saturday after the completion of said apportionment, beginning at 9 o'clock a. m. at which shall be considered all protests against such apportionment, and any other business which may properly come before it, and no notice of such meeting shall be required to be given.

Any landowner dissatisfied with his apportionment as made by said supervisor or supervisors may appear at such meeting of the trustees and protest against the same; and it shall thereupon be the duty of the trustees to hear and determine such protest and to change or modify said apportionment as justice may require, having due regard to the benefit to be received from said improvement by any landowner; and to confirm the same either as made by such supervisor or supervisors or as modified by it. And the supervisor or supervisors making such apportionment shall attend upon said meeting.

Grouping of small sections.

SECTION 6. If there were assessed to any tract or land, road, railroad, township, or county, for the cleaning out and keeping in repair, of any ditch or water course, a sum less than three (3) dollars, the township ditch supervisor may group these small sections together as conveniently as possible, and if the parties to whom they are assessed, neglect or refuse to clean out the same, and keep the same in repair, the ditch supervisor is hereby authorized to sell the work of cleaning out said sections to the lowest responsible bidder and take a bond with approved surety for the faithful completion of the work, and certify the cost of said work to the county auditor, who shall place the same upon the tax duplicate, against the lands so assessed, pro rata, and the same shall become a lien upon the land and be collected as other ditch taxes.

Sale of work to lowest responsible bidder; assessment of cost against landowner.

Upon refusal or neglect of landowner to clean out ditch, supervisor shall sell work to lowest responsible bidder, and certify cost to county auditor.

SECTION 7. If any landowner, corporate road, railroad, township or county, notified to clean out the ditch or water course under the provisions of this act, shall neglect or refuse to comply with same before the 15th day of October in each year, the ditch supervisor shall, after giving ten (10) days' notice by posting notices in three conspicuous places in said township, sell the work of cleaning said section or sections to the lowest responsible bidder, and take a bond as provided in section six (6) and certify the cost thereof to the county auditor, as provided in section six (6) of this act. And the ditch supervisor shall certify the amount due the contractor, or contractors, for the work done, according to the provisions of this act, to the township trustees, who shall order the same paid out of the township ditch fund.

Collection of costs so certified.

SECTION 8. All costs certified to the county auditor under the provisions of this act shall be collected by the county treasurer and be paid over to the treasurer of the township whence the certificate came, as township ditch funds.

Township ditch fund; tax levy for.

SECTION 9. The township trustees of any township to which this act applies are hereby authorized and empowered to levy a tax upon all the taxable property of said township not to exceed five-tenths (5-10) of one mill upon each dollar valuation, to be known as the township ditch fund for the purpose of carrying out the provisions of this act.

Compensation of supervisor and assistant.

SECTION 10. The township ditch supervisor shall be allowed two dollars ($2) per diem, for the time actually engaged in performing the duties of his office, said compensation to be paid by the township trustees, out of the township ditch fund, upon presentation of an itemized account, verified upon oath by the township ditch supervisor. The township ditch supervisor shall be allowed one assistant, when actually engaged in measuring a ditch or ditches. Said assistant shall receive one dollar and fifty cents per day for the time actually employed, and shall be paid by the trustees

out of the township ditch fund, upon the certificate of the ditch supervisor.

Tiled ditches.

SECTION 11. Where any county or township ditch, or any part thereof, has been tiled, or may hereafter be tiled, said ditch, or the part thereof which has been filed [tiled] shall not be affected by the provisions of this act. Provided said tile is of sufficient capacity to carry all the water drainage through said ditch or water course so as not to flood the adjacent lands above; but if in the judgment of the township ditch supervisor, said tile is small and insufficient to provide the necessary drainage, the surface ditch shall be kept open by the provisions of this act.

Ditch must be kept free and clear of fallen timber, tree tops, logs, etc.

SECTION 12. Every person or corporation through whose lands any ditch improvement is constructed, must keep it free, and clear of fallen timber, tree tops, logs or any other obstructions, upon his or its premises; and in case of a failure to do so, any person or corporation aggrieved by any such obstructions may notify the township ditch supervisor of the fact, in writing, who must at once examine the premises and inquire into the truth of the statement, and, if he find the statement to be true, he must immediately notify the owner of the land on which such obstruction exists, to remove it within a reasonable time, not exceeding ten days. On the receipt of the notice from the township ditch supervisor to remove said obstruction, the owner or owners so notified, if he or they deem said demand unjust, unfair, or unreasonable, can within ten days from date of notice demand a public hearing which hearing shall be before the board of township trustees, who shall determine, from the evidence whether or not the lot, landowner or landowners, corporate roads, railroads, township or county, is or are liable for the removal of said obstruction. And if the owner or owners found liable by the township trustees fail to remove the obstructions, the ditch supervisor must at once cause the same to be removed at the expense of the landowners in proportion to the benefits received by them, and certify such expense to the auditor, who must place the same upon the tax duplicate, as an assessment upon the lands of such person or corporation. This assessment will be a lien upon such lands and must be collected as other ditch taxes, and be paid over to the township treasurer as provided in section 8 of this act. And the ditch supervisor shall certify any expense accruing under this section to the township trustees for payment as provided in section 7.

Obstructions may be removed at expense of landowner.

Repeals.

SECTION 13. That sections 4496, 4497, 4497*a*, 4498, 4553, 4554, 4555, 4556, of the Revised Statutes of Ohio and sections 1 to 13 inclusive, and as amended, of an act entitled, "An act to provide for the cleaning out and keeping in repair public ditches and water courses," passed April 15, 1902, and all other sections and parts of sections conflicting

with the provisions of this act be, and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
157G

[Senate Bill No. 230.]

AN ACT

To supplement section 16 of an act to authorize the improvement of public roads of townships and streets of villages therein, passed March 13, 1896.

Be it enacted by the General Assembly of the State of Ohio:

Township roads:

SECTION 1. That section 16 of an act passed March 13, 1896, be supplemented to read as follows:

Submission to vote of electors of question of no further levy for road improvements under 92 O. L. 63-68.

Sec. 16*a*. (R. S. 4686-16*a*.) The trustees of any township in this state in which free turnpikes have been heretofore constructed under the provisions of this act, shall, when the petition of twenty-five [per cent.] or more of the taxpayers of such township, including any village therein, is presented to them praying that no further levy be made under the provisions of this act, submit the question of making no further levy under the provisions of this act to the qualified electors of such township and such village, at the next general election held after the presentation of such petition. The qualified electors of such township and village shall, at said election, have submitted to them the policy of making no further levy under the provisions of this act. Those voting in favor of such proposition shall have on their ballots, "No further levy for road improvements under 92 O. L. 63-68,—Yes," and those opposed "No further levy for road improvements under 92 O. L. 63-68,—No." The township trustees shall cause notice of said election to be given as provided in section 2 of this act, and the provisions of section 3 of this act shall be applicable to such election. If at such election, a majority of the votes cast are in favor of no further levy for road improvements under the provisions of 92 O. L. 63-68, the township trustees shall thereafter make no further levy under the provisions of this act; and

if a majority of the votes cast are against no further levy under the provisions of 92 O. L. 63-68, the township trustees shall proceed to levy under the provisions of this act in the same manner as before such election.

C. A. THOMPSON,
Speaker of the House of Representatives.
JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
158G

[House Bill No. 339.]

AN ACT

To revise section 2847 of the Revised Statutes of Ohio, and to further safeguard the real estate securities of banks and others.

Be it enacted by the General Assembly of the State of Ohio:

Collection of taxes:

SECTION 1. That section 2847 of the Revised Statutes of Ohio as amended April 19, 1904 (97 v. 100) be and the same is hereby amended so as to read as follows:

Payment of taxes on lands; agents and attorneys.

SEC. 2847. Every person holding lands as aforesaid shall pay the tax which may be assessed thereon each and every year; provided, that agents and attorneys shall not thus be obliged to pay such taxes, unless sufficient moneys of their principals be in their hands to pay the same; and provided, further, that any persons owning lands as aforesaid, may authorize or consent to the payment by any other person, of the taxes levied upon such lands, and any person so paying such taxes shall first obtain from the owner or owners of such lands a certificate of authority to pay such taxes signed in the presence of two witnesses, and duly acknowledged before an officer authorized to administer oaths, which certificate shall contain an accurate description of the property as shown by the tax duplicate, the amount of the taxes levied thereon, the year for which the same were levied and the name of the person authorized to pay the same and the date of the payment thereof; and shall, within ten days from the date of the payment of such taxes, file the same in the office of the county recorder for record, and when such certificate has been filed as aforesaid, the

Payment by other person than owner.

amount thereof with interest at the rate of eight per cent. per annum from the date of the payment of such tax, shall operate as a lien upon such real estate in preference to all liens thereafter attaching to the property and in preference to all pre-existing liens, the holders of which have executed and acknowledged such certificate of authority and the money so paid, together with the interest thereon, may also be recovered by action for money paid to his use against the person or persons legally liable for the payment of such tax, which action may be brought by such person so paying such tax, which action may be brought by such person so paying such tax as aforesaid, at any time after the expiration of one year from the date of the payment thereof; that such certificate so filed as aforesaid with the county recorder, shall be recorded and cancelled in the same manner as mortgages on real estate, in a book to be separately kept and indexed by him for that special purpose, and such recorder shall receive such fees as are prescribed by law for recording real estate mortgages.

Repeals.

SECTION 2. That section 2847 of the Revised Statutes of Ohio as amended April 19, 1904 (97 v. 100) be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

159G

[House Bill No. 551.]

AN ACT

To amend section 40 of the Revised Statutes as amended February 12, 1906, in relation to the salaries of members of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

Organization of general assembly:

SECTION 1. That section 40 of the Revised Statutes as amended February 12, 1906, be amended so as to read as follows:

Salary and mileage of members of general assembly.

Sec. 40. Each member of the general assembly shall receive a salary of one thousand dollars a year, to be paid in monthly installments of not exceeding two hundred dollars during the year; and also twelve cents per mile each way for traveling not exceeding twice per month from and to his place of residence, by the most direct route of public travel to and from the seat of government to be paid but once in any regular or special session; but if any member is absent without leave, or is not excused on his return, there shall be deducted from his compensation the sum of ten dollars for each day's absence.

Repeals.

SECTION 2. That section 40 of the Revised Statutes be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

160G

[Senate Bill No. 44.]

AN ACT

To amend section 2966-3 (section 3) relating to boards of deputy state supervisors of elections and deputy state supervisors and inspectors of elections.

Be it enacted by the General Assembly of the State of Ohio:

Conduct of elections:

SECTION 1. That section 2966-3 of the Revised Statutes be so amended to read as follows:

Appointments, qualifications and term of deputy state supervisors.

(2966-3.) Sec. 3. On or before the first Monday in August, 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter except in counties containing cities wherein annual general registration of electors is required by this act, appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be made from two political parties which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state.

Vacancies.

All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election in which event the vacancy shall be filled from such third party.

Recommendation by party executive committees.

Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least fifteen days before the first day of August, then the state supervisor shall appoint the persons so recommended to the number to which such party is entitled; provided,

Determination of rightful executive committee when recommendation is made by more than one committee each claiming to be rightful.

whenever recommendations are made to the state supervisor of elections for appointment to new terms or to fill vacancies in the office of deputy state supervisor of elections, or deputy state supervisors and inspectors of elections, by more than one committee each claiming to be the rightful executive committee of a political party entitled to recommend qualified persons for appointment on such boards, the state supervisors of elections shall, before making any such appointment, notify the chairman of the state central committee

of the political party entitled to such appointment or appointments, and shall recognize that committee as the rightful executive committee which said state central committee shall certify to be the rightful committee of said party; provided, however, that if, such committee shall fail to make such certification for ten days from the giving of such notice, then the state supervisor of elections shall determine which of said disputing bodies or committees is the rightful committee of such party and shall make the appointment or appointments agreeable to the provisions of this section.

Vacancies.

Whenever a vacancy occurs in the membership of any board of deputy state supervisors of elections or deputy state supervisors and inspectors of elections, if within five days after such vacancy occurs the executive committee of the party entitled to the appointment to fill such vacancy recommends a qualified person to the state supervisors of elections, he shall appoint such person to fill such vacancy for the unexpired term; but if no such recommendations are made, the state supervisor shall make the appointment agreeable to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office or other good and sufficient cause, and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party.

Removals.

Appointments, qualifications and terms of deputy state supervisors and inspectors.

On or before the first day of May, 1904, the state supervisor and the inspector of elections shall appoint four deputy state supervisors and inspectors of elections, in each county in the state which contains a city wherein annual general registration of electors is required by this act, who shall be qualified electors of the county for which they are appointed.

For the first appointments, two members shall be appointed for the term of two years, and two for the term of four years, from the first day of May, 1904. One member so appointed for two years, and one for four years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state; the other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election.

Thereafter, appointments shall be made biennial [biennially] for two deputy state supervisors and inspectors of elections for each such county, for the term of four years which appointments shall be from the two political parties which cast the highest and the next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs, unless there be a third political

Vacancies.

party which cast a greater number of votes in this state at the next preceding November election than did the party to which the retiring member belonged, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and the next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor and inspector of elections at least five days before the first day of May, then the state supervisor and inspector shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor and inspector shall make the appointments agreeably to the provisions herein contained.

Recommendations by party executive committees.

Powers and duties of state supervisor and inspector of elections and deputy state supervisors and inspectors of elections.

The state supervisor and inspector of elections and the deputy state supervisors and inspectors of elections shall have, in addition to the powers and duties conferred upon them for the investigation and prosecution of offenses against the registration and election laws of this state, all the rights, powers and duties conferred and imposed by law upon the state supervisor of elections, and the deputy state supervisors of elections; and except where otherwise expressly provided the term "state supervisor" shall be taken to apply to the state supervisor and inspector equally with the state supervisor, and the terms "deputy state supervisor" and "deputy state supervisors" shall be taken to apply to deputy state supervisors and inspectors of elections equally with deputy state supervisors of elections, and the term "clerk" shall be taken to apply to the clerk of the board of deputy state supervisors and inspectors of elections equally with the clerk of the board of deputy state supervisors of elections.

Deputy clerk; compensation.

The board of deputy state supervisors and inspectors of elections shall also appoint a deputy clerk who shall perform such duties and receive such compensation, not exceeding one hundred and fifty dollars per month, as shall be determined by the board.

Organization and selection of clerk and deputy clerk.

The deputy state supervisors and inspectors of elections shall, within five days after their appointment, and biennially thereafter meet and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and two resident electors of the county, other than members of the board, as clerk and deputy clerk respectively, all of which of the officers shall continue in office for two years. The balloting for such officers shall commence at or before one o'clock p. m. of the day of the convening, and at least one ballot shall be taken every twenty minutes until such organization is effected, or five ballots have been cast as hereinafter provided.

The clerk shall first be selected by the votes of at least three members, and if, after five ballots, no person shall be agreed upon as clerk, the names of all persons so voted for on such fifth ballot, together with the names of the deputies

who nominated them, shall be certified to the state supervisor and inspector of elections, who shall designate therefrom one of such persons to serve as clerk, and another such person to serve as deputy clerk. The clerk and deputy clerk shall be of opposite political parties, and each such officer shall have been nominated by a deputy state supervisor and inspector of the political party to which he belongs.

Selection of chief deputy.

After the selection of the clerk, the chief deputy shall be selected from the deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk and having the shortest term to serve shall be and act as chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor and inspector of elections. All vacancies in the office of chief deputy clerk, and deputy clerk, shall be filled in the same manner as original selections are made and by persons belonging to the same political party as that to which the outgoing officer belonged. The clerk, or deputy clerk, may be removed by the state supervisor and inspector, or by the deputy state supervisors and inspectors, for any violation or neglect of duty, or other good and sufficient cause.

Report of organization.

Repeals.

SECTION 2. That said section 2966-3 (section 3) be and the same is hereby repealed.

C. A. THOMPSON,
Speaker House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

161G

[House Bill No. 527.]

AN ACT

To amend sections 6, 7, 13, 16 and 20 of an act entitled, "An act to authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such district," passed April 26, 1898, and amended April 19, 1904.

Be it enacted by the General Assembly of the State of Ohio:

Road districts:

SECTION 1. That sections 6, 7, 13, 16 and 20 of an act entitled, "An act to authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such district," passed April 26th, 1898, and amended April 19, 1904, be amended so as to read as follows:

Effect of affirmative vote; designation of roads for improvement.

Sec. 6. If at such election, a majority of the votes cast be in favor of the policy of improvement of the public roads of such district, by general taxation, such road commissioners shall each year designate and determine what roads should in their opinion be improved in said year. Said commissioners shall also determine each year the extent of such improvement in each township, at what points the improvement shall begin, and how much improvement shall be completed annually. No public highway within the corporate limits of any city or village in such road district shall be improved unless such road extends through such road district continuously. Such road commissioners shall have power to employ counsel, a clerk or bookkeeper, when necessary, also a competent engineer and such assistants as they deem necessary, who shall make a map of the roads so designated each year and make profiles of such roads showing the grades thereof as they exist, and prepare such other information as may be required by the commissioners, all of which shall be kept on file in the county auditor's office for public inspection, and shall be notice to the public. The road commissioners shall also have power to purchase road roller and any and all other machinery and appliance as they made [may] deem necessary in the improvement of the roads under their charge and they shall have power to employ any and all labor necessary to operate such appliance; they shall also have power to hire conveyance for the engineer and his assistants to and from the place where they may be employed, when in the opinion of the commissioners the same is desirable, but in no case shall livery hire for same exceed one dollar and fifty cents per day.

Employment of counsel, clerk, engineer and assistants.

Purchase of road roller and otner machinery.

Term of office of commissioners; oath and bond.

Sec. 7. The commissioners so appointed shall hold their office during a term of four years, and each road commissioner shall hold office till his successor is appointed and qualified, unless removed for incompetency or neglect of duty by said county commissioners. Before entering upon

the discharge of his duty, each commissioner shall take an oath of office to honestly and impartially discharge the duties thereof with a view to the public welfare, and give bond in the sum of fifteen hundred dollars, payable to the state of Ohio, for the use of the road district, conditioned that he will so discharge his duties, which bond shall be approved by the county commissioners and kept on file in the county auditor's office. Each road commissioner shall receive two dollars compensation for each day actually employed and shall receive no further compensation nor shall livery hire nor expense be allowed. The engineer employed by the road commissioners shall receive not more than four dollars per day, and each assistant shall be allowed not more than one dollar and fifty cents per day for each day actually employed, as may be agreed upon by the road commissioners. The clerk or bookkeeper employed by the road commissioners shall be allowed not more than one dollar per day, as shall be agreed upon by the road commissioners. The compensation of the commissioners, engineers, and assistants shall be allowed by the county commissioners, and the same and counsel services, together with any and all other necessary expenses, shall be paid out of the road fund raised for the purpose of making such road improvements.

Compensation.

Engineer's compensation.

Clerk or bookkeeper's compensation.

Sec. 13. The road commissioners shall have charge of and superintend the improvement of the roads under their charge. No payment for work or material shall be made except upon the estimates of the engineer in charge and by him duly certified of the work actually performed and the materials actually furnished, and after reserving such per cent. not less than ten, as may be fixed by the parties to the contract to guarantee the performance thereof, and approved by the board of commissioners or a majority thereof.

Commissioners to have charge of and superintend improvement; how payments made.

Sec. 16. For the purpose of providing money necessary to meet the expense of improving said roads, the said board of road commissioners, if in their opinion it is advisable, shall issue bonds of the said road district, payable at such times as they may determine, not exceeding fifteen years, in sums of five hundred to one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semiannually. But such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such road district at any time outstanding shall not exceed two hundred and fifty thousand dollars. The sale of all such bonds shall be advertised for at least thirty days in two newspapers in such county and the secretary of such board shall send marked copies of such advertisement to at least ten leading bond buyers in the state or other states, and such bonds shall be sold to the highest bidder. Said road commissioners shall have the right to reject any and all bids.

Bonds may be issued.

Advertisement of sale.

Sec. 20. The treasurer of the county in which any such road district is situated shall receive and disburse all moneys arising from the provisions of this act on certificate and orders as herein provided and the said receipt and dis-

Receipt and disbursement of moneys.

bursement of the said moneys shall be deemed a part of the duties of the said treasurer and he shall receive no compensation either directly or indirectly out of the moneys of the said road district and disbursement of the said moneys.

Repeals.

SECTION 2. That sections 6, 7, 13, 16 and 20 of this act as amended be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
162G

[Senate Bill No. 177.]

AN ACT

To amend sections 3244 and 3267 of the Revised Statutes of Ohio, regulating the number of directors in certain corporations.

Be it enacted by the General Assembly of the State of Ohio:

Corporations:

SECTION 1. That sections 3244 and 3267 of the Revised Statutes of Ohio be amended so as to read as follows:

Certificate of subscription to stock; notice of election of directors; number of directors.

SEC. 3244. As soon as ten per cent. of the capital stock is subscribed, the subscribers of the articles of incorporation, or a majority of them, shall so certify, in writing, to the secretary of state, and thereupon shall give notice to the stockholders, as provided in section three thousand two hundred and forty-two, to meet at such time and place as they may designate, for the purpose of choosing not less than five nor more than thirty directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified; provided, that in case all subscribers are present in person or by proxy, such notice may be waived in writing, and the incorporators of the company shall be liable to any person affected thereby, to the amount of any deficiency in the actual payment of said ten per cent. at the time of so certifying.

Sec. 3267. A company may, by a vote of a majority of its stock, at any regular meeting of the company, increase the number of directors to any number not greater than thirty; and in like manner a company may decrease the number of directors before or after such increase, to any number not less than five but at any stockholders' meeting, called in the manner and as provided in section three thousand two hundred and forty-six, and notice of which has been given in accordance with the provisions thereof, any corporation, may, by a vote of a majority of its stock, increase the number of its directors as hereinbefore provided, who shall hold their offices respectively until the next annual election for directors, and until their successors are elected and qualified. **Change in number of directors.**

SECTION 2. That said sections 3244 and 3267 of the Revised Statutes of Ohio be and the same are hereby repealed. **Repeals.**

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

163G

[House Bill No. 449.]

AN ACT

To amend sections 1183, 4506 and 4664 of the Revised Statutes of Ohio, relating to fees of surveyors.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1183, 4506 and 4664 of the Revised Statutes of Ohio be amended to read as follows:

Fees of county surveyor.

Sec. 1183. The surveyor shall be entitled to charge and receive the following fees: When employed by the day, five dollars for each day and necessary and actual expenses; when not so employed, for each rod run, not exceeding one mile, three-fourths of one cent; and for each rod over one mile, one-half of one cent; for making out or recording a plat not exceeding six lines, seventy-five cents, and for each line in addition, five cents; for each one hundred words or figures therein, six cents; for calculating the contents of a tract not exceeding four sides, six cents, and for each additional line, ten cents; for mileage, going and returning, five cents per mile; and for all other services, the same fees as those of other officers for like services; and chain carriers and markers are entitled, each, to two dollars.

County ditches; fees and costs.

Sec. 4506. The following fees shall be allowed for service actually rendered under the provisions of this chapter:

Commissioners.

The county commissioners, each, three dollars per day.

Auditor.

The county auditor, for filing each paper belonging in the case, three cents; for recording each hundred words, three figures to count as one word, excluding calculations not necessarily included in the record, six cents; for each copy, including certificate, when necessarily a part of the copy, and for all notices, six cents for each hundred words, three figures to count as one word, but he shall receive no fees for printed notices; for each warrant drawn on the county treasurer, and for each certificate, three cents; for each tabular statement furnished the printer, six cents per hundred words, three figures to count as one word; and for each copy of specifications furnished, six cents per hundred words, three figures to count as one word, to be paid by the party demanding the same.

Probate judge.

The probate judge, for docketing each case, for each party, five cents; for issue of venire, with seal, fifty cents; for each subpœna with only one name, five cents, and three cents for each additional name therein; for each journal entry, six cents per hundred words, and for copies duly certified, including seal, six cents per hundred words; for swearing each witness, five cents; certifying each witness, three cents, and entering attendance of each witness, three cents; for swearing jury, fifteen cents; taking affidavits, fifteen cents; for filing each paper originally filed in probate court, and including transcript, three cents; for issuing transcript of proceedings in probate court, six cents per hun-

dred words, including certificate and seal; for certifying fees to auditor, three cents for each person named, including jurors; and for all items not herein specified, the same fees as are allowed by law for like services in other cases.

Sheriff. The sheriff, for serving and returning each summons, when only one defendant is named therein, thirty-five cents, and for each additional name twenty cents; for copy of summons, duly certified, forty-five cents; for serving and returning a subpœna, fifteen cents for each person named therein; for serving and returning venire for jury traveling fees included to be paid by the county, four dollars, and for calling each talesman to fill the panel fifteen cents; for each day's attendance with the jury on the line of the ditch, three dollars, and for all other services required to be rendered by him the same fees as are allowed by law for like services in other cases.

Jurors. The juror shall each receive, for each day's attendance, one dollar and fifty cents, and ten cents per mile from his place of residence to the county seat.

The person appointed by the commissioners to examine and report as to the cleaning out of a ditch shall receive two dollars per day for each day actually employed therein, and in the examination of work performed.

Witnesses. Witnesses, duly subpœnaed and in attendance, either before the commissioners, the auditor, or the probate court and jury, for each day's attendance, seventy-five cents, each, and five cents per mile from place of residence to county seat.

Surveyor, engineer, etc. The surveyor or engineer, five dollars per day for the time actually employed on the work designated for him to do, and necessary and actual expenses for the time so employed. Each chainman, axman, and rodman, two dollars per day for the time actually employed. All other hands necessary to the prompt execution of the work of locating the improvement, one dollar and seventy-five cents per day each. For printing, fifty cents per square for actual printed matter, for the first insertion, and twenty-five cents per square for each insertion thereafter, nonpareil estimate.

Provided however that the fees herein provided for the auditor, probate judge and sheriff shall be paid into the proper fee fund.

Fees of viewers, markers, surveyor, etc. Sec. 4664. All persons required to render services under this chapter shall receive compensation for each day they are necessarily employed, as follows, to-wit: Viewers and reviewers, chain carriers and markers, two dollars each, and surveyor, five dollars, and actual and necessary expenses to be charged as costs and expenses, and paid out of the county treasury when approved and allowed by the county commissioners and on the order of the county auditor.

Repeals.

SECTION 2. That said sections 1183, 4506 and 4664 are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
164G

[House Bill No. 431.]

AN ACT

To authorize the sale of certain land and easements belonging to the state.

Preamble:

Whereas, Pursuant to an act passed by the general assembly of the state of Ohio on May 2, 1902, for the abolition of grade crossings in municipal corporations, the city of Cleveland and the Cleveland & Pittsburg Railroad Company, operated by Pennsylvania Company, have proceeded at great expense to separate the grade of Broadway, a public street in said city, and the grade of the tracks of said company;

Whereas, The state of Ohio is the owner in fee simple and also of a limited estate in certain property hereinafter described, being a fraction of the outlying grounds of the Cleveland state hospital, the acquisition of which property by said, the city of Cleveland and the Cleveland & Pittsburg Railroad Company, operated by Pennsylvania Company, is necessitated by the improvement aforesaid, which is now in course of construction, the same being a part of the general scheme for the separation of all the grade crossings of the Cleveland & Pittsburg Railroad Company, operated by the Pennsylvania Company in and through the city of Cleveland;

Whereas, Said property may easily be spared by the state of Ohio and the Cleveland state hospital will be greatly benefited by the abolition of a dangerous crossing at its very entrance; and

Whereas, It is deemed and declared necessary for promoting the public safety and subserving the general interest:

Be it enacted by the General Assembly of the State of Ohio:

Act to authorize the sale of certain state lands.

SECTION 1. That the governor and auditor of state, with the counter-signature of the secretary of state, be and they are hereby authorized and directed to convey in the name of the state of Ohio, by proper deed to the city of Cleveland, a municipal corporation, the following described property, together with all such right, title and interest as said state may have therein, to-wit:

Situate in the city of Cleveland, Cuyahoga county, state of Ohio, and being parts of sub-lots 87 and 88 of Newburgh village plat and survey of part of original one hundred acre lot No. 454, and also a part of original one hundred acre lots numbers 465 and 473 as shown by the recorded plat in Vol. 2 page 20 of maps of the records of said county, described as follows, to-wit:

Beginning at an iron pin in the southwesterly line of Broadway, as now located, and distant S. 49° E. 700.26 feet measured along said southwesterly line of Broadway from its intersection with the center line of Woodland Hills avenue, produced, said point being also 64.50 feet southwestwardly measured at right angles from the center line of the main track of the Cleveland & Pittsburgh Railroad as now constructed; thence continuing along the southwesterly line of Broadway S. 49° E. 893.27 feet; thence N. 52° 51′ 5″ W. 1676.90 feet along a line parallel with and 124.50 feet southwestwardly from the tangential portion of the center line of said railroad adjacent to the premises herein described, to a point which is S. 37 8′ 55″ W. 173.01 feet from the intersection of the northeasterly line of Broadway with the westerly line of Woodland Hills avenue as said two last named highways are now located; thence N. 37 8′ 55″ E. 60 feet; thence S. 52 51′ 5″ E. 785.64 feet to the place of beginning and containing an area of 1.695 acres, more or less; and in addition to the foregoing all the necessary slope rights and easements upon the grounds of the Cleveland state hospital, required by the city of Cleveland to give lateral support to said Broadway as the same is proposed to be relocated and improved at the established grade.

And to the Cleveland & Pittsburgh Railroad Company operated by Pennsylvania Company, the following described property, together with all such right, title and interest as said state may have therein, to-wit:

All that strip or parcel of land situate in the city of Cleveland, county of Cuyahoga, state of Ohio, known as parts of sub-lots 85, 86, 87 and 88 of Newburgh village plat and survey of part of original one hundred acre lot No. 464 and also part of original one hundred acre lot No. 465, as shown by the recorded plat in Vol. 2 of maps, page 20, of the records of said county, described as follows, to-wit:

Beginning at an iron pin in the southwesterly line of Broadway, as now located, and distant S. 49 E. 700.26 feet measured along said southwesterly line of Broadway from its intersection with the center line of Woodland Hills avenue, produced, and said point being also 64.50 feet southwestwardly measured at right angles from the center line of the main track of the Cleveland & Pittsburgh Railroad as now constructed; thence N. 52 51′ 95″ [05″] W. 1200.51 feet to an iron pin in the easterly boundary line of lands of William H. Caine; thence along line of the last mentioned land N. 5 49′ E. 98.66 feet, to a point in the southwesterly line of Broadway as now located, which is S. 49 3 [E.] 180.30 feet from the first angle in the said line of Broadway south of Miles avenue; thence S. 49 E. 1254.98 feet along the southwesterly line of Broadway as now located, to the place of beginning. Excepting therefrom such portion of the present right of way of the Cleveland & Pittsburgh Railroad lying within the limits of the above described premises; the premises hereby intended to be conveyed containing an area of 0.701 acres, more or less; and in addition to the foregoing, all the necessary slope rights and easements upon the grounds of the Cleveland state hospital required by the Cleveland & Pittsburg Railroad Co., operated by Pennsylvania Co., to give lateral support to its roadbed as the same is proposed to be constructed, in accordance with plans for said improvement now on file in the office of the city engineer, city hall, Cleveland, Ohio.

Amount of money to be received therefor; appropriation of same.

SECTION 2. That in consideration of said conveyance upon the delivery of deeds said city of Cleveland shall pay the sum of three thousand five hundred and seventy dollars ($3,570.00) and the said Cleveland & Pittsburg Railway Company, operated by the Pennsylvania Company, the sum of one thousand four hundred and thirty dollars ($1,430.00) to the state treasurer, to be by him placed to the credit of the general revenue fund, and the same be and is hereby appropriated for the purpose of purchasing additional lands for the Cleveland state hospital for the insane to be expended by the trustees of said institution, in the manner provided by law, for the acquisition of other lands near to or adjoining the said institution.

Further consideration for said conveyance.

SECTION 3. That in further consideration of said conveyance, upon the delivery of said deeds the city of Cleveland and the Cleveland & Pittsburgh Railroad Company, operated by Pennsylvania Company, shall relocate and reconstruct in a suitable and serviceable manner, the athletic field and Broadway entrance and driveways upon the grounds of the Cleveland state hospital in conformity with

plans on file in the office of the city engineer in the city hall of Cleveland.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
165G

[House Bill No. 101.]

AN ACT

To amend section 73 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent therewith," passed October 22, 1902, as amended April 19, 1904, in relation to the construction of sidewalks in villages.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 73 of an act entitled, "An act to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such powers, as required by the constitution of Ohio, and to repeal all sections of the Revised Statutes inconsistent therewith," passed October 22, 1902, as amended April 19, 1904, be amended so as to read as follows:

Municipal corporations; assessments:

Sec. 73. If such sidewalks, curbing or gutters are not constructed within fifteen days, or not repaired within five days from the service of notice, or completion of the publication, the department of public service in cities may do or have the same done at the expense of the owner, and all such expenses shall be assessed on all the property abounding or abutting thereon. Said assessments shall be collected in the same manner with a penalty of five per centum and interest for failure to pay at the time fixed by the assessing ordinance, as in cases of improvement. No other or further proceedings for the construction or repair of sidewalks,

Sidewalks, curbing and gutters in cities; on failure of owner to construct or repair, same to be done at his expense.

curbing or gutters and levying assessments therefor, shall be necessary by the department of public service, than the proceedings required under this and the two preceding sections; and in any case in which special assessments have been made on property of all the cost of the construction or repair of sidewalks, curbing or gutters under this and said two preceding sections as they stood before this amendment, said assessment shall, within the limitation of benefits and the limits of thirty-three per cent. of the taxed value of the property, be valid assessments upon said property.

Sidewalks, curbing and gutters in villages; on failure of owner to construct or repair, same to be done at his expense.

If such sidewalks, curbing or gutters are not constructed within fifteen days, or not repaired within five days from the service of the notice, or completion of the publication, the council in villages may have the same done at the expense of the owner and report the cost thereof to such owner. The cost of such construction or repair shall constitute a lien on the property abutting on such sidewalks from the date the same is so reported to such owner, and shall be paid by the owner to the treasurer of the municipality. If the cost of said construction or repair is not paid within ten days from the time the same has been reported to such owner, the clerk in villages shall certify the same, together with a penalty of five per centum thereon to the county auditor, who shall place the same on the tax duplicate and collect such costs and penalties in the same manner as other taxes are collected.

Repeals.

SECTION 2. That said original section 73 as passed October 22, 1902, and amended April 19, 1904, of said act be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
166G

[Senate Bill No. 170.]

AN ACT

To prohibit the publication or display of immoral pictures and to prohibit immoral exhibitions, and to repeal an act herein named.

Be it enacted by the General Assembly of the State of Ohio:

Unlawful to make, print, post, publish, etc., any lascivious or immoral picture.

SECTION 1. It shall be unlawful for any person or persons to make, print, post, publish, exhibit or suffer the same to be done, for advertising or other purposes, in or upon his or her premises, or in or upon any building, billboard, bridge, fence or any place where the same can be publicly seen any lascivious, indecent, immoral or impure picture or figure, or any picture or figure of crime or lust, or any picture or figure in any way tending to corrupt morals, excepting printing and publication in book or magazine form of illustrations for scientific purposes.

Unlawful to give exhibition of a lascivious or immoral nature.

Phonographs.

Picture machines.

SECTION 2. It shall be unlawful for any person or persons to give any public or private exhibition of a lascivious, indecent, immoral or impure nature or any exhibition tending to corrupt morals, or to own or operate or to suffer another to operate on his or her premises, any phonograph or other device or contrivance uttering or giving forth any profane, indecent, immoral or impure language, or to own or operate, or to suffer another to operate on his or her premises any picture machine or other device or contrivance exhibiting any lascivious, indecent, immoral or impure picture or figure or picture of crime or lust, or picture or figure in any way tending to corrupt morals.

Penalty for violation of this act.

SECTION 3. Any person violating any of the provisions of this act shall be fined not less than fifty nor more than five hundred dollars, and for a second offense shall in addition to such fine be imprisoned not less than thirty days nor more than six months.

Repeals.

SECTION 4. That an act passed April 15, 1889 (86 O. L., 320) entitled "An act to prevent the making, printing, posting or exhibiting any indecent, immoral or lascivious picture or representation of any part of the human form, or the giving of any indecent or immoral exhibitions of the same," be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
167G

[Senate Bill No. 32.]

AN ACT

To amend section 2 of an act entitled "An act to define [defining] the powers and prescribing the duties of the board of public works," passed May 14, 1878, and to extend the existing term of a member of the board of public works, so as to effect the purpose of section 1, article XVII of the constitution; and to define the duties of the chief engineer of public works; and to confer the powers and duties of the Ohio canal commission upon the board of public works of Ohio and to limit the powers of said board of public works in leasing canal and state lands.

Be it enacted by the General Assembly of the State of Ohio:

Board of public works:

SECTION 1. That section 2 of an act entitled "An act defining the powers and prescribing the duties of the board of public works," passed May 14, 1878, be so amended as to read as follows:

Term of office of present members.

Sec. 2. The term of office of the member of the board of public works which would otherwise expire on the second Tuesday of February, one thousand, nine hundred and eight, is hereby extended to the second Tuesday of February, one thousand, nine hundred and nine, and the incumbent in said office at the time when said existing term would otherwise expire, shall continue to hold and enjoy the same until the expiration of said term as so extended, subject to all the provisions of law relating to removals or vacancies therein.

Provided, that before entering upon his duties for such added period, to secure the faithful performance thereof, he shall give bond to the state in like manner and form as is required of one elected to fill such office.

At the election for state and county officers held in the year one thousand, nine hundred and six, and quadrennially thereafter, one member of the board of public works shall be elected, and at the said election held in the year one thousand, nine hundred and eight, and quadrennially thereafter, two members of said board shall be elected; and the terms of office of all such members of said board hereafter elected shall commence on the second Tuesday of February next after their election, and continue four years.

Salary and expenses of members.

Each member of the board shall receive eight hundred dollars per annum salary, and not to exceed fifty dollars per month traveling expenses, during the time the state has possession of the public works, and eight hundred dollars per annum salary thereafter, but shall not receive any traveling

expenses. Said salary and expenses shall be paid monthly after the services are rendered and expenses incurred, upon the order of the board, out of the canal fund on the warrant of the auditor.

Additional powers and duties of chief engineer.

SECTION 2. The chief engineer of the public works, in addition to the powers and duties conferred and imposed upon him by existing laws, shall prepare all plans and specifications for all contracts or other work in connection with the rebuilding, reconstruction or improvement of the public works or canals, or either of them, or any part of the same, which may have been, or may be provided for by specific appropriation. All work in connection with the rebuilding, reconstruction, or improvement of the public works shall be let by contract whenever the same is possible in the opinion of the board of public works and the chief engineer. All contracts for such rebuilding, reconstruction, or improvement shall be so made and let as to insure the fullest competitive bidding, and prevent the subletting of contracts.

Appointment of field engineers.

During such time as the chief engineer shall be actively engaged in the rebuilding, reconstruction, or improvement of any part of the public works, he may, subject to the confirmation and approval of the board of public works, appoint not to exceed two field engineers, who shall, under the supervision of the chief engineer, have immediate charge of the work in the field, and who shall be practical civil engineers, and shall be paid at the rate of not to exceed two hundred dollars per month, and their actual and necessary expenses, while actively engaged in such work. Each field engineer shall give bond with good and sufficient sureties to the approval of the board of public works, the chief engineer, and the attorney-general, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties, which bond shall be filed with the treasurer of state.

Duties, qualifications, compensation, etc.

Appointment of inspectors and other employes.

During such time as the chief engineer shall be actively engaged in the rebuilding, reconstruction, or improvement of any part of the public works, he shall subject to the confirmation and approval of the board of public works, appoint such number of inspectors and other employees of the engineering corps as may be necessary to insure the prompt and faithful performance of all contracts and other work under his charge.

Removals and vacancies.

The chief engineer may remove any field engineer, inspector, or other employee of the engineering corps at pleasure, but shall have power to fill the vacancy only for the period intervening between the time of removal and the next meeting of the board of public works.

Expense accounts.

All expense accounts of the field engineers, inspectors and employees of the engineering corps shall be itemized and verified under oath and approved by the chief engineer and the board of public works before allowed or paid.

Payments for work done.

All payments on account of contracts or other work in connection with such rebuilding, reconstruction, or improve-

ment, shall be made upon estimates to be furnished by the assistant engineers to the chief engineer, which estimates if approved by the chief engineer, shall be submitted to the board of public works, and when approved by said board, the board shall issue their warrant for the payment of the same as provided by law.

Ohio canal commission; powers and duties of, conferred upon board of public works.

SECTION 3. That on and after the 28th day of April, 1906 all the powers and duties conferred on the Ohio canal commission by the statutes be and they are hereby conferred upon and vested in the board of public works and all sections of the statutes of Ohio relating to the said Ohio canal commission are hereby made applicable to the board of public works of Ohio; provided, however, that no land lease or sales of canal or state lands shall be made except with the written approval of the governor and attorney-general.

Payment of salaries and expenses of employes for performing additional duties thus imposed.

SECTION 4. That said board of public works is hereby authorized to expend out of the canal earnings of the state an amount not exceeding four thousand dollars per annum to meet the salaries and necessary expenses of the employes and the actual expenses of the said employes of the board of public works when discharging the additional duties devolving upon them and heretofore imposed upon the canal commission.

Canal commissioners shall deliver over to board of public works all books, records, papers, furniture, etc., in their possession.

SECTION 5. That on or before the 28th day of April, 1906 the canal commissioners shall deliver to the president of the board of public works at the office of said board all books, records, documents, papers, surveys, maps, plats, furniture and all other property of the state of any description in their possession or under their control as such commissioners.

Final report of canal commission.

SECTION 6. The canal commissioners shall file with the governor at the expiration of their term of office their final report as required by law covering the time between the date of their last report and the date of the expiration of their term of office.

Repeals.

SECTION 7. That said section 2 of an act entitled "An act defining the powers and prescribing the duties of the board of public works," passed May 14, 1878, and all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and

was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

168G

[Senate Bill No. 210.]

AN ACT

To amend section 3 of an act passed April 27, 1896, entitled "An act to amend an act entitled 'An act to provide for the organization and support of farmers' institutes' passed April 26, 1890," relative to the payment of expenses of farmers' institutes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sec. 3 of an act passed April 27, 1896, entitled "An act to amend an act entitled 'An act to provide for the organization and support of farmers' institutes' passed April 26, 1890, be so amended as to read as follows:

Farmers' institute societies:

Sec. 3. When a society organized under the provisions of this act shall have held an annual farmers' institute meeting in accordance with the rules of the state board of agriculture, the secretary of said board shall issue certificates, one to the president of the farmers' institute society and one to the president of the state board of agriculture, setting forth these facts and, on the presentation of these certificates to the county auditor, he shall each year draw orders on the treasurer of the county as follows: One in favor of the president of the state board of agriculture for the sum of one hundred and twenty-five dollars, and one in favor of the president of each farmers' institute society in the county, holding meetings under the auspices and by the direction of the state board of agriculture, for a sum not to exceed thirty-one dollars and twenty-five cents, for the payment of necessary local expenses, and the treasurer of the county shall pay the same from the county fund; provided that in no county shall the total annual sum exceed two hundred and fifty dollars; and provided further, that the payment to any farmers' institute society shall not exceed the expenses, as per detailed statement provided in section four (3713-4) of this act.

County payments to societies and state board of agriculture.

Proviso.

SECTION 2. That said original section 3 be and the same is hereby repealed, and this act shall take effect from and after its passage.

Repeals.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
169G

[Senate Bill No. 42.]

AN ACT

To authorize the appointment of a commission and to make appropriation to pay for the erection of a monument to the memory of the soldiers who lost their lives by reason of the sinking of the steamship Sultana, and expenses connected therewith.

Preamble:

Whereas, On the 27th day of April, 1865, the steamship Sultana, carrying union soldiers from Andersonville and Kahaba, Alabama, to Camp Chase, Ohio, was completely destroyed by the explosion of its boiler, and seventeen hundred (1,700) or more union soldiers, five hundred and twenty-three (523) of whom were Ohio soldiers, acting under order and in the line of their duty, lost their lives, and,

Whereas, It is deemed but a just tribute to their memory to erect on the state house grounds at Columbus, Ohio, a monument to their memory, and,

Whereas, In order so to do it will be necessary to appoint a commission and make an appropriation therefor; therefore,

Be it enacted by the General Assembly of the State of Ohio:

Appointment of commission for erection of monument to memory of soldiers who lost their lives by reason of sinking of steamship Sultana.

SECTION 1. That a commission consisting of three citizens of the state of Ohio, at least one of whom shall be a surviving soldier of the disaster, which overtook the steamship Sultana on the 27th day of April, 1865, be appointed by the governor of the state, to have in charge the erection of a suitable monument, at Columbus, Ohio, to the memory of the soldiers who lost their lives by reason of said disaster, to serve without compensation, but whose expenses shall be paid out of the fund hereinafter provided for.

Duties of commission.

SECTION 2. That said commission so appointed shall select the location for said monument and shall select the design thereof and superintend, manage and direct its construction and erection.

Appropriation.

SECTION 3. That there is hereby appropriated out of any funds in the state treasury to the credit of the general relief fund and not otherwise appropriated, the sum of fifteen thousand dollars ($15,000) to be used as herein provided, warrants for which shall be drawn by the auditor of the state upon the treasurer of the state, upon vouchers or

estimates properly approved by at least two members of said commission.

SECTION 4. Said commission shall keep an accurate account of all disbursements and make full report to the governor on or before the 1st day of January of each year during the continuance of said trust. Annual report.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
170G

[House Bill No. 45.]

AN ACT

To fix the rate of state taxes for the Ohio state university at Columbus, the Ohio university at Athens, the Miami university at Oxford, and the normal and industrial department at Wilberforce university, at Wilberforce.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. Inasmuch as it is deemed desirable at this time for the state of Ohio to determine the policy of the state in regard to its support of institutions of higher learning, and further desirable that the state adopt a policy in regard to the support of universities and colleges to the end that there shall be a distinct and fixed policy in regard to universities and colleges and to the end that for all time to come the policy of the state with reference to the Ohio state university, the Miami university and the Ohio university may be determined and made definite and to the end that the state of Ohio may build up one university worthy of the state, as now begun at the Ohio state university, and at the same time to fix such a policy as shall provide for the support for the said Miami and the Ohio universities as colleges of liberal arts, which shall not include technical or graduate instruction, aside from the usual graduate work for the degree of master of arts and to determine definitely and for all time to come that the Miami university and the Ohio uni- Declaration of policy of state with respect to Ohio state university, Ohio university and Miami university.

versity shall be no greater charge on the state of Ohio so far as university purposes are concerned than provided for in this act; therefore this act is passed to set forth the policy, to-wit: That in the future no representative of the Miami university or of the Ohio university or of the Ohio state university shall violate or attempt to violate this policy herein enacted into law as a policy for the support of higher education and as a guide for future general assemblies of the state of Ohio.

Tax levy for support of Miami university.

SECTION 2. For the purpose of affording support to the Miami university, there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which tax shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Miami university fund." The rate of such levy shall be two and one-half one-hundredths (.025) of one mill upon each dollar of valuation of such taxable property. The moneys raised by means of said levy, or its equivalent in money in case the levy shall be abolished, shall be the sum total received either from the proceeds of the levy or from appropriations for the support of the college of liberal arts, and shall be used for the purposes only as set forth in section 1 of this act, and hereafter this levy shall not be increased, but this shall not be so construed as to prevent such appropriations by the general assembly from time to time as may be necessary for apparatus for university purposes, exclusive of buildings. Provided that nothing herein shall invalidate any appropriation for the years 1906 and 1907.

Tax levy for support of Ohio university.

SECTION 3. For the purpose of affording support to the Ohio university, there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Ohio university fund." The rate of such levy shall be two and one-half one-hundredths (.025) of one mill upon each dollar of valuation of such taxable property. The moneys raised by means of said levy, or its equivalent in money, in case the levy shall be abolished, shall be the sum total received either from the proceeds of the levy or from appropriations for the support of the college of liberal arts, and shall be used for the purposes only as set forth in section 1 of this act, and hereafter this levy shall not be increased, but this shall not be so construed as to prevent such appropriations by the general assembly from time to time as may be necessary for apparatus for university purposes, exclusive of buildings. Provided that nothing herein shall invalidate any appropriation for the years 1906 and 1907.

Tax levy for support of normal school at Ohio university.

SECTION 4. For the purpose of affording support to the state normal school or college, in connection with the Ohio university, there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Ohio normal

school fund." The rate of such levy shall be one and one-half one-hundredths (.015) of one mill upon each dollar of valuation of such taxable property, unless otherwise designated by the general assembly of the state of Ohio; provided that nothing in this section shall be construed as preventing said normal school from securing such additional appropriations as the general assembly may in its wisdom deem fit to make from time to time for the support, maintenance and equipment of said normal school.

Tax levy for support of normal school at Miami university.

SECTION 5. For the purpose of affording support to the state normal school or college, in connection with the Miami university, there shall be levied annually a tax on the grand list of the taxable property of the state of Ohio, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute "the Miami normal school fund." The rate of such levy shall be one one-hundredth (.01) of one mill upon each dollar of valuation of such taxable property, unless otherwise designated by the general assembly of the state of Ohio; provided that nothing in this section shall be construed as preventing said normal school from securing such additional appropriations as the general assembly may in its wisdom deem fit to make from time to time for the support, maintenance and equipment of said normal school.

How such money shall not be expended.

SECTION 6. No moneys derived under the levies provided for in sections 2, 3, 4 and 5 of this act shall be expended by the Miami university and by the Ohio university for maintaining or giving instructions in any other courses of study than in liberal arts and in the normal school or college branches.

Tax levy for support of Ohio state university.

SECTION 7. For the purpose of affording free the advantages to the youth of the state of a higher, technical, liberal, professional, agricultural, graduate and industrial education, including manual training, there shall be levied annually a tax on the grand list of the taxable property of the state, which shall be collected in the same manner as other state taxes and the proceeds of which shall constitute, "the Ohio state university fund." There shall be levied annually for the said purpose sixteen one-hundredths (.16) of one mill upon each dollar of valuation of such taxable property, or its equivalent in money should said levy be abolished; provided that nothing in this act shall be construed to prevent said Ohio state university from securing any appropriations that the general assembly in its wisdom may see fit to grant for the purposes as herein set forth. Provided, that the Ohio state university shall never maintain a normal school, but may establish a teachers' college or [of] professional grade; provided that nothing in this section shall prevent the board of trustees from charging incidental expense fees and also reasonable tuition fees for professional education. Any appropriations made by the 77th general assembly for Ohio state university shall not be invalidated by any provisions of this act.

Tuition.

SECTION 8. Nothing in this act shall be construed as preventing the boards of trustees of the Ohio state university, the Miami university, the Ohio university or the state normal schools at the Ohio university or at the Miami university from charging reasonable tuition for the attendance of pupils of any of said institutions of learning from students who are nonresidents of the state of Ohio.

Inspection of accounts.

SECTION 9. The expenditure of all moneys under the provisions of this act or for the purposes of carrying out the provisions of this act raised or secured from any source whatsoever shall be subject to the inspection of the state bureau of public accounting, the cost of same to be paid by the university or college inspected at the cost as now provided by law.

Repeals.

SECTION 10. That sections 3951*a* and 3951*b* of the Revised Statutes of Ohio and sections 3, 4, 5 and 6 of an act entitled, "An act to establish normal schools at Ohio university at Athens, and at Miami university, at Oxford and to provide for the appointment of a commission to investigate and report upon the need and advisability of the future establishment by the state of one or more additional normal schools and to consider in what manner and to what extent existing educational institutions other than those now supported by the state can be made more active in the better training of persons for service in the public schools," passed March 12, 1902, be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

171G

[House Bill No. 380.]

AN ACT

To supplement section 6 of an act entitled, "An act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition and commerce and all classes of business in this state," passed April 19, 1898, by the enactment of a section to be known as section 6a of said act.

Be it enacted by the General Assembly of the State of Ohio:

Trusts:

SECTION 1. That section 6 of an act entitled, "An act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition and commerce and all classes of business in this state," passed April 19, 1898, be and hereby is supplemented by a section to be known as section 6a of said act, as follows:

In prosecutions for violation of law against conspiracy or combination in restraint of trade, witness shall not be excused from testifying or producing books, etc., on ground that evidence may tend to criminate him.

Sec. 6a. In case any court of record, or in vacation any judge of said court, in which is pending any civil, criminal or other action or proceeding brought or prosecuted by the attorney-general or any prosecuting attorney for the violation of any of the provisions of this act or in any action or proceeding for violation of the law of this state, common or statute, against conspiracy or combination in restraint of trade so orders, no person so ordered shall be excused from attending, testifying or producing books, papers, schedules, contracts, agreements or any other document in obedience to the subpœna or under the order of such court or any commissioner, referee or master appointed by said court to take testimony or any notary public or other person or officer authorized by the laws of this state to take depositions when the order made by such court or judge thereof includes a witness whose deposition is being taken before such notary public or other officer on the ground or for the reason that the testimony or evidence required of him may tend to criminate him or subject him to any penalty; but no individual shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, before any such court, person or officer.

Witness shall not be prosecuted.

Act shall apply to pending actions.

SECTION 2. This act shall affect and apply to any and all actions, prosecutions and proceedings existing or pending at the time this act goes into effect.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
172G

[Senate Bill No. 118.]

AN ACT

To amend sections 1, 6, 7 and 10 of an act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children" passed April 25, 1904, and to supplement said act with supplemental sections 23, 24, 25, 26, 27, 28, 29 and 30.

Be it enacted by the General Assembly of the State of Ohio:

Juvenile court:

SECTION 1. That sections 1, 6, 7 and 10 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," passed April 25, 1904, be amended so as to read as follows:

Definitions.

Sec. 1. This act shall apply only to children seventeen (17) years of age or under, not inmates of a state institution, or any institution incorporated under the laws of the state for the care and correction of delinquent children. Provided, however, that when any child under the age of seventeen (17) years shall, under the provisions of this act, come into the custody of the juvenile court, such child shall continue for all necessary purposes of discipline, a ward of such court, until, if such child be a boy, he shall attain the age of twenty-one (21) years, and if such child be a girl, until she has attained the age of eighteen (18) years, and the power of said court upon any such child so brought under its jurisdiction prior to its attaining the age of seventeen (17) years shall be a continuing power until said child attains the age hereinbefore specified. The words "delinquent child" shall include any child seventeen (17) years of age or under such age who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly visits or enters a house of ill repute; or who knowingly patronizes or visits any policy shop or place where any gambling device is, or shall be, operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time; or who wanders about any railroad yards or tracks, or jumps or hooks onto any moving train or vehicle; or enters

any car or engine without lawful authority; or who uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act, or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, excepting in subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. For the purpose of this act the words "dependent child" or "neglected child" shall mean any child under seventeen (17) years of age who is dependent upon the public for support, or who is destitute, homeless, or abandoned; or who has not proper parental care or guardianship; or who begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable persons; or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; or whose environment is such as to warrant the state, in the interest of the child, in assuming its guardianship. Any child within the provisions of this act whose parents or guardian permits it to use or become addicted to the use of tobacco, spirituous or intoxicating liquors as a beverage and not for medicinal purposes, or whose parents or guardian rears, keeps, or permits it, in or about any saloon, or place where spirituous or intoxicating liquors are sold, or any gambling house, or place where gambling is practiced or carried on, or any house of ill fame or ill repute, shall be deemed to be without proper parental care or guardianship.

Judge of juvenile court.

Sec. 3. The judges of the common pleas court, in counties wherein three or more such judges regularly hold court concurrently, together with the probate judge and the judges of the superior insolvency court, where such courts or either of them exists, shall, at such times as they may determine, designate one of their number whose duty it shall be to hear and determine all cases coming under this act, in a tribunal having jurisdiction within said county, to be called the juvenile court. Provided that in all other counties the probate judge shall act as judge of the juvenile court. A special room, not to be used for the trial of criminal matters where avoidable, shall be provided for the hearing of such cases, and the orders, judgments and findings of such court shall be entered in a separate book or books, known as a "juvenile record," which shall be kept by the clerk of said common pleas or other court whose judge may be so designated, who shall be clerk of such juvenile court.

Probation officers.

Sec. 6. The juvenile courts of the several counties in this state shall have authority to appoint or designate one or more discreet persons of good moral character to serve as probation officers during the pleasure of the court one of whom shall be a woman; said probation officers to receive no compensation from the county treasury except as herein provided. In case a probation officer shall be appointed by the court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer when any child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in court to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the court or judge may require and to take charge of any child before and after the trial as may be directed by the court. The number of probation officers named and designated by the juvenile court shall be as follows: In counties having a population of over 130,000, not to exceed three probation officers, one probation officer to be known as the chief probation officer, who shall receive not more than $1,500 per annum payable monthly, and when in the discretion of the court it is found necessary, a first assistant, who shall receive $1,000 per annum payable monthly, to serve as probation officer during the pleasure of the court, and to be paid by the county treasurer out of any funds appropriated for the use of the judges of the common pleas, insolvency or probate courts, upon itemized vouchers sworn to by said officer or officers and certified to by the judge of the juvenile court; provided that said judge, if in his opinion the circumstances demand it, may appoint a third or fourth discreet person to serve as probation officer, who shall receive $1,000 each per annum, payable monthly, and still other fit and willing persons who shall serve without compensation from the court; and said probation officers shall be and are hereby vested with all the powers and authority of sheriffs to make arrests, serve the process of said court and perform all other duties incident to their office.

Dependent and neglected children.

Sec. 7. When any child under the age of seventeen (17) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, or to the care of some training school or an industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purposes of caring or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it, for like purposes without charge.

Transfer from justices or judges of police courts.

Sec. 10. When in any county where a court is held, as provided in section three (3) of this act, a child under the age of seventeen (17) years is arrested without warrant, such child, instead of being taken before a justice of the peace, or judge of a police court, shall be taken directly before such juvenile court; or, if the child is taken before a justice of the peace, or judge of a police court, it shall be the duty of such justice of the peace or judge of a police court, to transfer the case to such juvenile court, and the officer having the child in charge shall take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition, as hereinafter provided. In any case the court shall require notice to be given and investigation to be made, as in other cases under this act, and may adjourn the hearing from time to time for the purpose.

SECTION 2. That the act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children," passed April 25, 1904, be amended and supplemented by adding sections 23, 24, 25, 26, 27, 28 and 29 and 30 as follows:

Penalty for abandonment or act causing delinquency, dependency or neglect.

Sec. 23. In all cases where any child shall be a delinquent, dependent, or a neglected child, as defined by the statutes of this state, the parent or parents, or other person or persons responsible for the abandonment or by an act causing, encouraging or contributing to such delinquency, dependency or neglect, shall be guilty of a misdemeanor and upon trial and conviction thereof, shall be fined in a sum not to exceed $1,000, or imprisonment in the county jail or workhouse for a period not to exceed one year or by both such fine and imprisonment.

Suspension of sentence upon the giving of a bond.

Sec. 24. The court may suspend any sentence imposed, or release any person, sentenced under this act from custody upon condition that such person shall furnish a good and sufficient bond or undertaking to the people of the state of Ohio, in such penal sum, not exceeding one thousand dollars, as the court shall determine, conditioned for the payment of such amount as the court may order, not exceeding ten (10) dollars per month for each child, for the support, care and maintenance of such child while under the guardianship or in the custody of any individual or any public, private or state home, institution, association or orphanage to which the child may have been committed or entrusted under the provisions of the laws of this state concerning dependent and neglected children.

Suspension of sentence upon conditions to be prescribed by court.

Sec. 25. The court may also suspend any sentence imposed under this act, and may permit any delinquent or dependent child to remain in the custody of any such person found guilty, upon conditions to be prescribed or imposed by the court as seem best calculated to remove the cause of such delinquency, dependency or neglect, and while such conditions are accepted and complied with by any such person

such sentence may remain suspended, and such persons shall be considered on probation in said court; in case a bond is given as provided herein, the conditions prescribed by the court may be made a part of the terms and conditions of such bond.

Execution of sentence upon violation of conditions of bond or conditions imposed by court.

Sec. 26. Upon the failure of any such person to comply with the terms and conditions of such bond, or of the conditions imposed by the court, such bond or the term of probation may be declared forfeited and terminated by the court, and the original sentence executed as though it had never been suspended, and the term of any jail or workhouse sentence imposed in any such case shall commence from the date of incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted from any such period of incarceration any part of such sentence which may have already been served.

Action to recover penalty of forfeited bond or for collection of fines; disposition of moneys collected.

Sec. 27. A separate suit to recover the penalty of any such bond so forfeited or for the collection of any fine imposed by said court may be brought as in civil cases, which suit shall be brought by the prosecuting attorney of the county. Any moneys so recovered or paid and any money paid as fines imposed as hereinbefore provided, shall be turned over to the chief probation officer of the juvenile court, to be applied to the care and maintenance of the child or children for whose delinquency or dependency such conviction was had, in such manner and upon such terms as the court may direct; provided, if it shall not be necessary in the opinion of the court to use such fund or any part thereof for the support and maintenance of such child, the same shall be paid into the county treasury, and become a part of the funds of such county; when any parent, guardian or other person found guilty under this act of abandoning or causing, encouraging, or contributing to or responsible for the delinquency or dependency or the neglect of any child under the age of seventeen (17) years, as defined by this act, is sentenced by the court to the county jail or workhouse, his or her earnings over and above the actual cost of his maintenance, in such workhouse or county jail, shall be turned over to the chief probation officer, to be by him used for the benefit of the person, persons or institution having the care, custody and maintenance of said child; provided that any amount so earned shall be credited upon the fine of the person thus found guilty.

Disposition of earnings of person sentenced to jail or workhouse.

Delinquent child charged with manslaughter or murder.

Sec. 28. When any information or complaint shall be filed against any delinquent child under the provisions of this act, charging such delinquent child with the crime of manslaughter or murder in the first or second degree, the juvenile judge may order such delinquent child to enter into a recognizance, with good and sufficient surety, in such amount as he may deem reasonable, for his appearance before the court of common pleas at the next term of said court; and the same proceedings shall be had thereafter upon

such complaint as are now authorized by law for the indictment, trial, judgment and sentence of any other person charged with a felony.

Act to be liberally construed.

Sec. 29. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That proper guardianship may be provided for in order that the child may be educated and cared for, as far as practicable in such manner as best subserves its moral and physical welfare, and as far as practicable in proper cases that the parent, parents or guardian of such child may be compelled to perform their moral and legal duty in the interest of the child. And all fees and the costs in all cases coming within the provisions of this act, together with such sums as shall be necessary for the incidental expenses of such court and its officers, and together with the cost of transportation of children to places to which they may be committed, shall be paid out of the county treasury of the county upon itemized vouchers and certified to by the judge of the juvenile court.

Expenses, provision for.

Existing court may exercise additional powers herein provided.

Sec. 30. Any court established under the provisions of an act entitled, "An act to establish a juvenile court in certain counties and to regulate the control of delinquent and neglected children," passed April 18, 1902 (95 O. L. 785) and amended April 22, 1904 (97 O. L. 621) may exercise all the additional powers herein provided.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

173G

[House Bill No. 157.]

AN ACT

To compel owners and operators of motor vehicles to register with the secretary of state.

Be it enacted by the General Assembly of the State of Ohio:

Definitions.

SECTION 1. Definitions. The words and phrases used in this act, shall, for the purpose of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "Motor vehicles" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall, except as provided by section fourteen of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in the city, village or town; (3) and "closely built up" shall mean, (a) the territory of a city, village or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of a city, village or town contiguous to a public highway not devoted to business, where for not less than one quarter of a mile the dwelling houses on such highway average less than one hundred feet apart, and also (c) the territory outside of the city or village contiguous to a public highway within the distance of one-half mile from any postoffice, provided that for a distance of at least one quarter of a mile within such limits the dwelling houses on such highways average less than one hundred feet apart, and provided further that the local authorities having charge of such highways shall have placed conspicuously thereon signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to ten miles", and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all officers of counties, boroughs, cities, villages or towns, as well as all boards, committees and other public officials of such counties, cities, villages or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as a mechanic, employe, or for hire.

Statement to be filed with secretary of state; what to contain; fee.

Copy of statement to be sent to county auditor.

SECTION 2. Every person hereafter acquiring a motor vehicle shall, for each vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by such secretary for that purpose; the filing fee shall be five dollars, for each machine having less than thirty horse power; the secretary of state shall send to the auditor of the county in which each such vehicle is owned, a copy of the statement filed with such secretary of state together with the registration number as provided in section 4 of this

act. And the auditor of each county shall keep a record book of such statements and numbers, said book to be furnished by the secretary of state, and three dollars in addition thereto for each additional ten horse power. Auditor's duty.

SECTION 2a. Each assessor shall on separate blanks return to the county auditor with his other reports, the name of each person in his territory who owns any motor vehicles together with a statement of how many owned, the state number of the same if numbered and the horse power of each. Each auditor shall upon the receipt of same file a copy with the secretary of state. No motor vehicle owned in this state shall after twelve months after the date of filing the statement and paying the fee as required in section 2 of this act, be operated upon any road, street or alley in this state, except upon receiving a license to operate such machine from the secretary of state. The secretary of state is hereby authorized and required to issue such license annually upon application and the payment to the secretary of state by the applicant of a license fee of five dollars for each machine whose horse power does not exceed thirty. For all motor vehicles having a horse power in excess of thirty there shall be paid in addition to the five dollars charged for machines whose horse power does not exceed thirty, three dollars for each and every ten horse power over thirty. Such license shall entitle the owner of such motor vehicle or his authorized agent to operate such motor vehicle so licensed for one year from the date of granting of same. Any license may be renewed upon the payment of the annual license fee as herein provided. Assessor's return to county auditor; copy thereof to be filed with secretary of state. Annual license, and fee therefor.

SECTION 3. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number. Registration and record.

SECTION 4. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form approximately two inches in diameter, and has stamped thereon the words "Registered motor vehicle No. ——" with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned. Registration seal.

SECTION 5. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration, upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except a manufacturer or dealer, shall, within ten days, return to the secretary of state the registration seal affixed to such vehicle. Renewal of license; fee. Return of seal upon sale of vehicle.

Display of registration number.

SECTION 6. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals, white on black ground, each not less than four inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number and preceding the same the first two letters in the name of the state, in white on black ground, such letters to be not less than four inches in height.

Registration by manufacturers or dealers.

SECTION 7. A manufacturer of or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with sections two, four, six and nine until such vehicle shall be sold or let for hire. Nothing in this section shall be construed to apply to a motor vehicle employed by manufacturer or dealer for private use or hire.

Fictitious seal or number.

SECTION 8. No motor vehicle shall be used or operated upon the public highways after June 1, 1906, which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Unregistered vehicle not to be operated; exception.

SECTION 9. No motor vehicle shall be used or operated upon the public highways after June 1, 1906, unless the owner shall have complied in all respects with this section, except than any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Exemption of nonresident owners.

SECTION 10. The provisions of this section shall not apply to motor vehicles owned by nonresidents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initials of such states, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Speed permitted.

SECTION 11. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in a city or village at a greater rate than one mile

in four minutes, or elsewhere outside of a city or village at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Speed at crossings, etc.

SECTION 12. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes and upon approaching a crossing of intersecting highways, at a speed not greater than is reasonable and proper having regard to the traffic then on such highway and the safety of the public.

Meeting horses, etc.

SECTION 13. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led, or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Stopping on signal.

SECTION 14. A person operating a motor vehicle or motor cycle or motor bicycle shall, at request or on signal, by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other draft animals, bring such motor vehicle, cycle or bicycle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested so to do, such person shall cause the motor of such vehicle, cycle or bicycle to cease running so long as shall be reasonably necessary to prevent an accident and insure the safety of others.

Giving name and address.

SECTION 15. In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle, shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Speed tests and races.

SECTION 16. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Law of the road.

SECTION 17. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, the person operating such motor vehicle shall reasonably turn the same to the right of the center of such highway, so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking such horse, draft animal or other vehicle pass on the left side

thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the center of such highways, when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this section shall, however, be construed as limiting the meaning or effect of the provisions of section eleven of this act.

Brakes, lamps, horns, etc.

SECTION 18. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction toward which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals, not less than one inch in height and each stroke to be not less than one-quarter of an inch in width, and also a red light visible in the reverse direction.

Local ordinances prohibited.

SECTION 19. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering or motor vehicles or prescribing a slower rate of speed than herein specified at which said vehicles may be operated, or the use of the public highways, contrary to or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided, however, that the local authorities of cities and incorporated villages may limit, by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation may not be in any case less than one mile in six minutes in incorporated villages, and on further condition that such city or village shall also have placed conspicuously on each named public highway where the city or village line crosses the same, and on every named highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to —— miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for the violation thereof similar to and no greater than those

Exception.

fixed by such local authorities for violations of speed limitations by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section twenty-seven of this act, and provided further, that nothing in this act contained shall be construed as limiting the powers of local authorities to make, enforce and maintain, further ordinances, rules or regulations, affecting motor vehicles which are offered to the public for hire.

Parks, parkways, and cemeteries.

SECTION 20. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any parks or parkways within a city, but, in that event, must, by signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

Act not to affect right to damages.

SECTION 21. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee or agent.

Chauffeur's statement; fee.

SECTION 22. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate; and shall pay a registration fee of two dollars.

Chauffeur's registration.

SECTION 23. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Chauffeur's badge.

SECTION 24. The secretary of state shall forthwith upon such registration and without other fee issue and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words "Registered chauffeur No. ——" with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways

Fictitious badge, etc.

SECTION 25. No chauffeur, having registered as herein above provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to any other person, or a fictitious badge.

Unregistered chauffeur cannot operate.

SECTION 26. No person shall operate a motor vehicle as a chauffeur upon the public highways after June 1, 1906, unless such person shall have complied in all respects with the requirements of this section.

Penalties for violation of this act.

SECTION 27. The violation of any of the provisions of section six or of section eight, or of section eleven, or of section twenty-two or of section 2a of this act, or of any ordinance, rule or regulation adopted by local authorities in pursuance of section twenty of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Same.

SECTION 28. The violation of any other provision of this act shall be punished by a fine not exceeding twenty-five dollars for the first offense, and a fine not less than twenty-five dollars nor more than fifty dollars for a second offense, and a fine not less than fifty dollars nor more than one hundred dollars or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

Release from custody, bail, etc.

SECTION 29. In case the owner of a motor vehicle shall be taken into custody because of the violation of any provision of this act, he shall be forthwith taken before an accessible captain or sergeant or acting sergeant of police in any city or village, or any justice of the peace or magistrate, and be entitled to an immediate hearing; and if such hearing cannot then be had, be released from custody on giving such undertaking, as is required by law, to appear in answer for such violation, at such time and place as shall then be indicated secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof by leaving the motor vehicle, being operated by such person, with such officer; or, in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest and depositing with such officer a sum equal to the maximum fine for the offense for which said arrest is made, or in lieu thereof, by leaving the motor vehicle, being operated by said person, with such officer, provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour.

Disposition of fees collected.

SECTION 30. The fees received under the provisions of this act shall be paid monthly by the secretary of state into the treasury of the state and placed to the credit of the department of highways to be expended for the actual construction of improved roads according to the provisions of an act entitled "An act to establish a state highway department by the appointment of a state highway commissioner and assistants and defining the powers and duties of the office, and to provide for a system of state county and township co-operation in the permanent improvement of public highways," passed April 18, 1904, O. L. Vol. 97, and such

expenses as may be necessary in carrying out the provisions of this act shall be paid out of the said fund.

SECTION 31. This act shall take effect and be in force June 1, 1906. When act in effect.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
174G

[House Bill No. 385.]

AN ACT

To amend and supplement sections 1703 and 2660 of the Revised Statutes, as amended October 22, 1902; sections 4, 5, 6, 7, 8, 9, 10, 12 and 13 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896; sections 1457, 1458, 1460, 2830, 4203, 4207, 4208, 4252, 4255, 4678, 4715, 4715a, 4716, 4729, 4730, 4731, 4733, 4735, 4738, 4740, 4743, 4746, 4747 and 6923 of the Revised Statutes; section 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census of not more than 2,116, nor less than 2,112, to levy a road tax," passed March 8, 1889; section 4 of an act entitled, "An act to authorize township trustees to improve public highways and levy taxes therefor," passed April 21, 1898; relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1703 and 2660 of the Revised Statutes, as amended October 22, 1902, sections 4, 5, 6, 7, 8, 9, 10, 12 and 13 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896; sections 1457, 1458, 1460, 2830, 4203, 4207, 4208, 4252, 4255, 4678, 4715, 4715*a*, 4716, 4729, 4730, 4731, 4733, 4735, 4738, 4740, 4743, 4746, 4747 and 6923 of the Revised Statutes; section 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census, of not more than

2,116, nor less than 2,112, to levy a road tax," passed March 8, 1889; section 4 of an act entitled, "An act to authorize township trustees to improve public highways and levy taxes therefor," passed April 21, 1898; relating to street commissioners and road supervisors in hamlets, municipal corporations and townships be amended and supplemented so as to read as follows:

Marshal and road superintendent in hamlets; compensation.

Sec. 1703. The marshal shall be the chief of police, and have the powers of marshals in villages, and for his services as such shall receive, in addition to any salary fixed by the trustees by ordinance, the same fees, and be paid in the same manner as marshals in other municipal corporations for like services, and for his services when he acts as road superintendent, in which office he shall act under the direction of the trustees, he shall be paid out of the proper hamlet treasury or treasuries, the same compensation allowed to other road superintendents, and where the offices of marshal and road superintendent are separated, the road superintendent shall perform his duties, be paid in the same manner and receive the same compensation as is provided in the first part of this section for the marshal when acting as road superintendent.

Road districts and street commissioners.

Sec. 2660. The board of public service shall have power to form road districts within the limits of the corporation, and when contiguous territory is attached to the corporation for road purposes, such power shall extend to the territory so attached; and the board of public service shall employ one street commissioner for each district, and prescribe his duties and fix his compensation.

Labor upon highways within road district; who liable; exemptions.

Sec. 4. All male persons between the age of twenty-one and fifty-five years, able to perform or cause to be performed the labor herein required, except every honorably discharged soldier who served in the United States army during the actual war, pensioners of the United States government, acting and contributing members of companies, troops and batteries of the Ohio national guard during their membership, and any person who is a member of any fire engine, hook and ladder, hose, or other company, for the extinguishment of fire or the protection of property at fires, under the control of the corporate authorities of any municipal corporation, and who receives no pay for such services during the time he may continue an acting member of such company, shall be liable annually, to perform two days' labor on the highways, under the direction of the street commissioner or road superintendent of the road district in which he resides.

Payment of money in lieu of labor.

Sec. 5. But if a person, being warned as hereinafter provided, pay to the street commissioner or the road superintendent in whose district he resides the sum of three dollars within three days after being notified by the street commissioner or road superintendent, the same shall be received in lieu of the two days' labor, and the same shall be paid by such street commissioner or road superintendent to the municipal treasurer or to the township treasurer, as the case

may be, and placed in the fund for the improvement of the roads in the township or municipality in which such person resides.

Ordering out of persons liable.

Sec. 6. Each street commissioner or road superintendent shall order out every such person resident in his district between the fifteenth day of April and the first day of July annually, and direct him to do and perform the work aforesaid on the public roads within the district; the order shall be given to each person at least two days prior for the performance of the labor, either personally, or by written notice left at his usual place of abode; and if any person so notified who is liable to perform such labor, refuses or neglects to attend, by himself or substitute, to the acceptance of the street commissioner or road superintendent, or having attended, refused to obey the directions of the street commissioner or road superintendent, or spend the time in idleness or inattention to the duties assigned him, he shall forfeit and pay the sum of one dollar for every such offense, and shall further be liable in all cases of nonattendance, to the amount allowed for two days' work, to be recovered by action before a justice of the peace of the proper township, at the suit of the street commissioner or road superintendent within whose district he resides.

Penalty for failure to obey order, etc.

Non-exemption against execution.

Sec. 7. The defendant shall not be entitled to any exemption under any of the laws of this state against execution issued on any judgment and the costs secured under the provisions of this chapter.

Non-release by neglect to order out; directions governing time of performance.

Sec. 8. No person shall be released from performance of labor on the public highway by reason of neglect of any street commissioner or road superintendent to order him out on or before the first day of July. The trustees of any township or the board of public service of any municipality may direct the time when the labor shall be performed, and shall cause all road superintendents or street commissioners, as the case may be, in their respective townships or municipalities, as the case may be, to perform all work on the public roads in such a manner and in such time and at such places as the township trustees or the board of public service of the municipality may direct.

Production or non-production of certificate in case of removal.

Sec. 9. If a person removed from one district to another between the first day of April and the fifteenth day of November who has prior to such removal, performed the whole or any part of the labor aforesaid, or in any other way has paid the whole or any part of the amount aforesaid in lieu of such labor, and produce a certificate of the same from the street commissioner or road superintendent of the proper district, such certificate shall be a complete discharge for the amount therein specified; but without producing such certificate he shall be required to perform two days' labor, or such part thereof as he has not performed under the direction of the street commissioner or road superintendent.

Appearance with required implements, etc.

Sec. 10. Any person called upon to perform labor upon the public roads and highways under any provision of this chapter shall by himself or substitute, appear at the place appointed by the street commissioner or road superintendent at the hour of seven o'clock in the forenoon with such necessary tools and implements as the street commissioner or road superintendent may direct; and the street commissioner or road superintendent may, if necessary for the improvement of the road, require any person owning the same to furnish a team of horses, mules, or oxen, and wagon, cart, plow, or scraper, to be employed and used on the roads under the direction of the street commissioner or road superintendent.

Collection of fines, etc.

Sec. 12. Road superintendents or street commissioners within their respective districts, shall collect, by suit or otherwise, all fines, forfeitures, and penalties arising and accruing under the provisions of this chapter, unless the collection thereof is otherwise herein provided for; and they are hereby required before their settlement with the township trustees, to prosecute to final judgment all persons neglecting or refusing to comply with the provisions of this chapter, from whom such fine, forfeiture, or penalty, in the opinion of the municipal board of public service or township trustees, can be collected by execution; and the judgments, if not paid together with the costs thereon, shall remain and be in force against the judgment debtor, as other judgments at law. And the costs incurred by any road superintendent in any suit brought under this chapter, when the same is not collected from the defendant, shall be paid by the trustees of the township out of the township general fund; if the costs be incurred by any street commissioner in any suit brought under this chapter, when same is not collected from the defendant, shall be paid by the municipality out of the municipal general fund.

Disposition of moneys collected.

Sec. 13. Street commissioners and road superintendents shall pay into the road fund of the municipality or of the township in which such street commissioner or road superintendent is employed, all money by them collected; and all fines and forfeitures sued for and recovered under the provisions of this chapter, shall be paid by the justice of the peace or constable collecting the same on demand, to the street commissioner or road superintendent of the road district wherein the fine or forfeiture accrued, and all road superintendents and street commissioners shall render an account to the trustees or to the board of public service of the municipality, as the case may be, at the annual settlement of all moneys received by them and paid into the municipal or township treasury, and all judgments that remain unpaid and the name of the judgment debtor, and the justice before whom such judgments were obtained, and the amount thereof, and the trustees shall make such order as to the prosecution of suits by the road superintendents or street commissioners, as the case may be, of the proper districts, against such delinquents, as in the judgment of the trustees the interest of the township may require. The township trustees

Reports.

Prosecution of delinquents.

of any township or the board of public service of any municipality may, for the benefit of the roads and highways, employ day labor at a rate not to exceed seventeen and one-half cents per hour for each hour actually employed and for the employment of teams at a rate not exceeding thirty-five cents per hour for each hour actually employed, to be paid out of the road fund of the township or municipality in which said work is performed as other bills are paid.

Day labor may be employed.

Sec. 1448*a*. The trustees of each township shall employ and hire for each district a suitable person, not one of their own number, who shall be a resident of the district, who shall be known as road superintendent. Each person so employed shall, before entering upon the duties of his office, take an oath to faithfully discharge the duties thereof and give bond to the state of Ohio in a sum satisfactory to the trustees of the township of not less than five hundred dollars, which bond shall be filed with the township clerk. Each road superintendent's employment shall be subject to the will of the township trustees, and he may be removed or dismissed at the will of the trustees or a majority thereof at any time. When properly qualified, the road superintendent shall have full control, under the orders of the trustees, however, of all such roads within his district as are assigned him by the township trustees and shall keep them in good repair and condition for all kinds of public travel, and for this purpose he shall have all the powers and privileges given road superintendents for drainage, and for the removal of timber, logs, or other obstructions found within the limits of the road from time to time. He may, subject to the will of the trustees, contract for all material necessary for repairs and in cases of floods or freshets, giving rise to breaks in the roadbed, or washing of large parts of the road, he may contract for repairs and shall certify the same with itemized account to the trustees who, upon finding the accounts satisfactory, shall pay them out of the township treasury from funds raised for road purposes. The trustees shall furnish such superintendent or superintendents with necessary implements and materials for the proper and economical care of the roads. The road superintendent shall, at the meeting of the trustees, on the first Monday in December of each year, make an itemized report of the receipts and expenditures in his district for road purposes the preceding year; the number of persons in his district who are required by law to perform two days' labor on the public highways, and the number who have performed such labor; the number of miles and the condition for public travel of all roads in his district, and the probable cost of such roads for the ensuing year. The township clerk in his annual statement shall specify the amount of money received and expenses for road purposes in each district in the township. The road superintendent shall receive for his services not exceeding twenty-five cents per hour, as the trustees may determine, for the time actually employed in the care of such roads, which shall be paid out of the road funds of such township. No

Road superintendent, employment of; his powers and duties.

Itemized report.

Compensation.

superintendent shall receive any compensation for any team of which he is the owner, on any such roads, nor shall he employ any member of his own family in such work by which he shall himself be financially benefited. And the trustees shall not certify any account to the township clerk in favor of any superintendent for work on such roads, other than is herein provided for superintending and care of such roads.

Penalty for neglecting or refusing to perform duties, etc.

Sec. 1448*b*. Any such road superintendent who neglects or refuses to perform the duties enjoined on him by this act or who under any pretense whatever, gives or signs any certificate for labor or work performed, or material furnished, when the labor has not been performed fully or material fully furnished before the giving or signing of such certificate, shall upon conviction, be fined for each such offense not less than five dollars nor more than fifty dollars, and may be imprisoned in the county jail not more than five days, and the trustees of the township shall or any citizen of the township may prosecute any offense against the provisions of this section.

Meetings of township trustees, road superintendents and street commissioners with county commissioners.

Sec. 1448*c*. The board of county commissioners of each county shall, one day in each year, call a meeting at the county seat and notify each township trustee holding office in said county and each road superintendent as herein provided for, and each street commissioner employed by any municipality, to attend said meeting for the purpose of receiving instruction and direction as to the care and maintenance of the public roads. Each township trustee and road superintendent and street commissioner attending said meeting shall receive one dollar and fifty cents, and no more, for each day of actual attendance, the township trustees and road superintendents to be paid out of the general fund of their townships, and the street commissioner to be paid out of the general fund of the municipality.

Compensation for attending.

Contracts for repair or maintenance of public roads or streets.

Sec. 1448*d*. The commissioners of any county, the trustees of any township or the board of public service of any municipality may contract with any person, firm or corporation for the repair or maintenance of any public road or street within their respective political subdivisions. Such contracts may be for furnishing material and repairing or for any purpose necessary to maintain any street, road or roads. Such contract shall not be made until an advertisement containing plans and specifications be published two weeks in a newspaper of general circulation published within the political subdivision wherein such road is situate or in a paper of general circulation within the county and posting copies of same in two public places, for two weeks, near where the road is situate.

Notice.

Duties of trustees at December meeting.

Sec. 1457. The trustees shall meet annually, on the last Monday of December, or any time prior thereto in the year 1906, at the place for holding township meetings, and divide their township into not less than one nor more than four road districts, when it has not been so divided, and make any alteration they think proper in any district before laid out, and cause a description of the district or districts as so

made or altered to be entered in the township record; and at the same meeting they shall also fix and give notice of the number of constables to be elected for the township.

Shall settle with treasurer, superintendents and others.

Sec. 1458. At the said December meeting the trustees shall settle the accounts of road superintendents and of the treasurer, and for this purpose the road superintendents and treasurer shall attend said meeting, and at the same meeting the trustees shall examine and settle all other claims against the township not before settled; and at the said December meeting the treasurer shall settle with the board of education of the township district, and for this purpose the treasurer of the township and the clerk and president of the board of education of the township district shall attend said meeting.

Treasurer's settlement with board of education.

Trustees authorized to purchase plows, scrapers, etc.

Sec. 1460. The trustees are authorized to purchase a sufficient number of plows and scrapers and may purchase any other road building or road repairing machinery which in their opinion is deemed necessary, for the use of the township, and the same shall be used exclusively for that purpose, and the cost and expenses thereof shall be paid out of any moneys in the township treasury not otherwise appropriated, on the order of the trustees, and the trustees shall take possession of such plows and scrapers or machinery, or may authorize any employee of the township, or other person, to take charge of the same, who shall take care of and preserve the same when they are not in use.

Payment of road tax.

Sec. 2830. Any person charged with a road tax shall pay the same in money to the county treasurer in the same manner as other taxes are collected and paid. All road taxes paid to or collected by the county treasurer shall be paid over to the treasurer of the township or municipal corporation from which the same were collected, and shall be expended on the public roads and in building and repairing bridges in the township and municipal corporation from which the taxes were collected under the direction of the trustees of the proper township or council of such municipal corporation; and all funds heretofore levied for road purposes and not expended, shall be expended by the trustees of the township or council of the municipal corporation from which the same were collected as other taxes collected under the provisions of this title.

Expenditure of road fund.

County commissioners may grant permission for animals to run at large; duties of road superintendents as to animals running at large.

Sec. 4203. General permission may be granted by the commissioners of any county for any animal named in the preceding section to run at large in their respective counties; in counties where there is no general permission, township trustees may grant special permits directed to individuals, and for particular animals described therein, revokable at the discretion of the township trustees upon three days' notice, in writing, to the owner of such animal; and such permission whether general or special shall terminate on the first Monday of March in each year; but no permit shall be granted for any swine to run at large; and in case any person shall permit any swine belonging to him, or being under his control, to run at large he shall

thereby be deprived of the benefit of any permit issued to him, as to any domestic animals whatsoever, and also of the benefits of any general permit issued by the county commissioners, and be subject to all the fines and penalties hereinafter provided; and it is hereby made the duty of all road superintendents upon view or information to cause all swine found running at large upon roads within their respective districts to be impounded and such further proceedings had as required by other sections of this chapter, and if any such road superintendent shall fail or refuse to perform such duty he shall be fined not less than two, nor more than five dollars for each and every offense, to be collected and applied as provided in section forty-two hundred and four and the trustees of the township are hereby authorized and required to retain any unpaid costs or fines from any sum that may be due and unpaid to such superintendent for services rendered in his official capacity.

Animal running at large may be treated as estray; penalty.

Sec. 4207. A person finding an animal mentioned in section forty-two hundred and two, at large, contrary to the provisions of this chapter may, and any constable of any township, or any road superintendent in any township or village, or marshal or constable of any city or village, on view or information, shall take up and confine the same, forthwith giving notice thereof to the owner, if known, and if not known, by posting notices describing such animals therein, in at least three public places within the township; and if the owner does not appear and claim his property, and pay all charges for taking up, advertising, and keeping the same, within ten days from the date of the notice, the animals may be proceeded with under the laws regulating estrays; the mere act of any such animal running at large in or upon any of the places mentioned in section forty-two hundred and two, shall be prima facie evidence that such animal is so running at large contrary to the provisions thereof, but if it be proven that such animal escaped from the owner or keeper thereof, without his knowledge or fault, then it shall be given up to the owner or keeper, upon payment of a reasonable compensation for taking up and keeping the same. And if any constable, road superintendent or marshal, above named, shall wilfully neglect to perform any of the duties above required, he shall be fined not more than twenty-five dollars ($25.00), or imprisoned not more than ten days or both.

Fees for taking up animals.

Sec. 4208. The person, road superintendent or officer taking up any such animal shall be entitled to charge and receive from the owner the following fees in addition to those authorized by law regulating estrays, to-wit: For taking up and advertising each animal of the horse or mule kind, one dollar; each head of neat cattle, seventy-five cents; each swine, fifty cents; each sheep, dog or goose, twenty-five cents; and also, reasonable pay for keeping the same; provided, that for the taking up of any single herd or flock, the fee shall not exceed five dollars, whenever the flock or herd belongs to one person.

Hedge fences; protection fence for may be built.

Sec. 4252. An owner or occupant of land bordering upon any public road or highway, except a street or alley in a municipal corporation, or through which any public road or highway passes, may set, plant, and cultivate a hedge or live fence, precisely on the line of the road or public highway, and place on the margin of such road a protection fence, not to occupy more than six feet of the margin or edge of the road; and such protection fence, when placed opposite any live fence or hedge actually set or planted, shall be permitted by the road superintendents, and all other persons, to remain for the term of seven years; but the trustees of any township may grant permission in writing, to the owner of any hedge or live fence, to continue such protection fence any length of time which they may deem necessary.

Where actions with respect to hedge fence to be brought.

Sec. 4255. All actions under the two next preceding sections shall be brought upon the complaint of the person damaged, before a justice of the peace of the township in which the hedge is situate, or if the hedge is along a public highway, the complaint shall be made by the road superintendent of the road in whose district the hedge is situate.

Repair of township roads; costs.

Sec. 4678. A township road which commences in a state, turnpike, township, or county road, or at a railroad station, and is not less than thirty feet in width, and passes on and intersects another state, turnpike, county or township road, shall be opened, and kept in repair by the road superintendent in whose district it may be situated, in whole or in part, and the costs of the view and survey of such road shall be paid out of the township treasury.

Powers and duties of road superintendents.

Sec. 4715. Every road superintendent shall open, or cause to be opened, and also keep in repair, all public roads and highways which are laid out and established in his road district, and remove or cause to be removed, all encroachments, by fences or otherwise, and all obstructions that may from time to time be found thereon; and road superintendents may enter upon any uncultivated or improved lands, unincumbered by crops, near to or adjoining such roads, cut or carry away timber, except trees or groves or improved lands planted or left for ornament or shade, and may dig, or cause to be dug and carried away, any gravel, sand or stone which may be necessary to make, improve or repair any such road, and that the owner of such property so taken by the road superintendent be paid a reasonable compensation therefor, to be assessed by the trustees, and said claimant, for his damages, may have an appeal, as hereinbefore provided for in section forty-six hundred and ninety-nine, and the amount found due shall be paid as provided in section four thousand seven hundred and forty-five. Provided, however, that the road superintendent of any district shall at all times be under the direct control and supervision of the township trustees wherein such road district lies, and shall perform only such work as is directed by the township trustees.

Unlawful making of open ditches along highways; penalty.

Sec. 4715a. It shall be unlawful for any road superintendent to excavate or make any open ditch on and along a public highway in front of any dwelling house or yard surrounding the same, or entrance thereto, or in front of the entrance or approach to any barn on that side of the road on which the said buildings are situate, unless he forthwith puts in a sufficient underdrain and fills up the excavation to the original level, except when authorized to make such open ditch at said points by the owner of such buildings or trustees of the township. And any road superintendent violating this section shall forfeit and pay to the owner of any such buildings twenty-five dollars, to be recovered in a civil action before any justice of the peace.

Further powers of road superintendents.

Sec. 4716. A road superintendent may also enter upon any lands adjoining or lying near the road, and make such drains or ditches through the same as the township trustees may deem necessary and as they may direct, for the benefit of the road, but shall do as little injury to such lands, and the improvement and timber thereon, as the nature of the case and the public good will permit; the drains and ditches so made shall be conducted to the nearest water course, and shall be kept open by the road superintendent; and they shall not be obstructed by the owner or occupier of the lands, or any other person having the same in charge, under the penalty of forfeiting a sum not exceeding ten dollars for each offense, which shall be collected by the road superintendent and paid by him to the township treasurer, and applied to the road fund of the township.

Roadbeds shall be leveled off.

Sec. 4729. Every road superintendent shall cause to be graded and leveled off, the earth and gravel that may be scraped, shoveled, or hauled into any public road under his direction or charge, at the time that such work is performed; and for any neglect or refusal on the part of such road superintendent to cause such leveling or grading in a reasonable degree, he shall forfeit not less than one dollar nor more than five dollars, to be paid into the township road fund, to be recovered by an action in the name of the township, before a justice of the peace within the township where such road superintendent resides; and the trustees of the township, after having been notified by any resident freeholder of the township of such neglect or refusal, shall, by one of their number, examine the work, and if he find that it has not been performed in a reasonable degree according to the provisions of this section, he shall prosecute such road superintendent as provided herein.

Destruction of brush, briers, weeds, etc., on highways.

Sec. 4730. All pike superintendents and turnpike directors having control of and being charged with the duty of repairing macadamized, graveled and improved roads and turnpikes, all road superintendents of county and township roads and the street commissioners of any city or village shall between the first and twentieth days of June, and between the first and twentieth days of August, and if necessary, between the first and twentieth days of September of each

year, cut and burn, or destroy, or cause the same to be done, all brush, briars, burrs, vines, Russian and Canadian or common thistle, or other noxious weeds, growing or being within the limits of any county or township road, turnpike, improved, graveled or macadamized road, street, or alley within his jurisdiction; such road superintendent, turnpike director, or pike superintendent shall be allowed reasonable compensation which shall not exceed $1.50 per day for all necessary labor employed by him in the performance of said work, to be allowed in the case of county and township out of the road fund, or general fund, and in the case of macadamized, graveled and improved roads and turnpikes, such labor is to be allowed and paid for out of the turnpike fund of the county and in the same manner as would be done in the event of a repair thereof, but a street commissioner shall be allowed and paid, for any such services performed by him, by the proper municipal authorities; the superintendent of any such roads shall allow any landowner or tenant to cut and destroy any such brush, briers, burrs, vines, thistles or other noxious weeds, growing or being on such roads along the lands abutting on such roads owned or occupied by such landowner or tenant, but before the said work is performed shall fix a reasonable compensation therefor, which shall be credited on the road tax of that year assessed against said premises; provided, however, that such landowner or tenant shall do said work or cause the same to be done before the first day of the month in which such work is required to be done as specified in this section. The superintendent, or manager of any toll, steam or electric road shall cut, burn or destroy, or cause the same to be done, all brush, briers, burrs, vines, Russian, Canada or common thistle, or other noxious weeds growing or being cut within the limits of any such road between the days of each month as above specified in this section, and in default thereof, and for five days thereafter, the trustees of any township through which any such road passes, shall cause the same to be done, and shall have the right of action against any such toll, steam or electric road company for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

Compensation.

Owner or tenant may perform such labor; compensation.

Destruction of briers, brush, etc., on toll roads and railways; penalty.

Sec. 4731. The road superintendent of each road district, or the superintendent of any free turnpike or improved road, shall remove or cause to be removed all timber or drift lodged against bridges, except toll bridges, or bridges upon toll roads, and all timber, drift and sediment lodged in and obstructing the free passage of water in ditches constructed for the draining and protection of such roads, or under or against any culvert over the same, or over any natural water course adjoining and upon the line of free turnpikes, and all other public roads in his district; and he shall receive the same compensation for such work or duties performed as is prescribed by law for other road work. And in

Drift against bridges or culverts or obstructing ditches to be removed.

case any road superintendent or the superintendent of any free turnpike or improved road, fails or neglects to comply with the provisions of this act, he shall be held liable to a fine of not less than five and not more than twenty-five dollars. And any adjoining landowner affected thereby may, at the expiration of ten days, after serving a written notice on such road superintendent to remove any drift or sediment, as herein mentioned, of his own motion, remove or cause to be removed, for which he shall receive the same compensation and from the same source as such road superintendent would have been entitled to in the performance of his duty.

Trustees or road superintendent may construct footwalk, footbridge, etc., upon petition.

Sec. 4733. That the trustees may and are hereby authorized to construct on either side of any public road in the township a public footwalk or sidewalk, and also public foot bridges over streams of water crossing any such road, whenever it is made to appear by petition of twelve freeholders of the township, presented to the trustees, that such footwalk, sidewalk or foot bridge is necessary; and the trustees may, if the request is deemed reasonable, order the road superintendent of the district in which said improvement is desired to construct the same of such material and at such expense as the trustees shall prescribe, which shall not in any manner obstruct the public highway, or any private entrance; or the trustees may construct, by contract with the lowest responsible bidder; all such improvements, to be paid for out of the township road funds.

Trustees to furnish tools, machinery and implements.

Sec. 4735. The township trustees are authorized to furnish such tools, implements and machinery as they may deem necessary for the construction, repair and maintenance of the roads in the several road districts within their township, to be paid for out of any money in the township treasury not otherwise appropriated, and shall take a receipt from each road superintendent for such implements as may be delivered to him, showing the number, kind and condition thereof; and such road superintendent shall be liable for any injury or damage that may result to such implements, or any of them, from the improper use thereof or by unnecessary exposure to the weather during the time the same may be in his possession, to be recovered in an action in the name of the trustees, and he shall, on the first Monday in December, annually, return the same to the trustees.

Road tax; rate of levy to be published.

Sec. 4738. The auditor of each county, immediately after the county commissioners and trustees of townships at their annual sessions for that purpose, have determined the amounts to be assessed for road purposes in their respective counties and townships, shall give notice, in some newspaper in general circulation in the county, of the per centum on each hundred dollars of the valuation so determined to be assessed in such county and township respectively; and he shall make a list of the names of taxpayers, and the amount of the road tax with which each stands charged, and transmit the same to the clerk of the proper township.

Passways may be constructed.

Sec. 4740. Any land holder through whose land a state, county, or township road is now or may be hereafter laid out and established, is authorized, under the discretion of the road superintendent of the proper district, to construct a passway either over or under such road, so as to permit stock to pass and repass; but the passway shall not be constructed over or under any road within the limits of the outlets of a city, town, or village, and shall not hinder or obstruct the travel on such roads, and shall be kept in good repair at the expense of the landholder.

Only public roads to be worked.

Sec. 4743. A road superintendent shall not perform nor cause to be performed labor on any road not regularly laid out and established by law.

Removal of obstructions.

Sec. 4746. At any time during the year when any public highway is obstructed, the road superintendent of the district shall forthwith cause the obstruction to be removed, for which purpose he shall immediately order out such number of persons liable to do work upon the public highways of his district as he may deem necessary; or if no persons liable to do work are in such district, the road superintendent may employ such men as are necessary, certifying the bills for the same to the trustees of the township, to be paid as other bills are paid.

Roads on state or township lines.

Sec. 4747. A road superintendent of a road district bordering on the state line between Ohio and adjoining state may, when a public highway has been located upon such state line in accordance with and under the provisions of the laws of the state of Ohio, apply the labor of his district upon said road, in the same manner as on roads located within the boundaries of the state; and in case any public road is or may be established as a part of the line or boundary of any township or municipal corporation, the trustees of such adjoining townships, and council of such corporations, as the case may be, shall meet at some convenient place as soon after the first Monday of March as convenient, and apportion such road between the townships, or township and corporation, as justice and equity may require, and the trustees of the respective townships, and council of the corporation, shall cause the road to be opened and improved accordingly, and shall thereafter cause their repective portions to be worked and kept in proper repair.

Unlawful deposit of dead animals, offal, etc., in or upon land or water.

Sec. 6923. Whoever puts the carcass of any dead animal, or the offal from any slaughter house, or butcher's establishment, packing house, or fish house, or any spoiled meat, or spoiled fish, or any putrid substance, or the contents of any privy vaults, upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space or common, and whoever being the owner or occupant of any such place, knowingly permits any such thing to remain therein, to the annoyance of any of the citizens of this state, neglects or refuses to remove or abate the nuisance occasioned thereby, within twenty-four hours after knowledge of the existence of such nuisance upon any of the above described premises, owned or occu-

pied by him, or after notice thereof in writing, from any road superintendent, constable, trustee, or health officer of any municipal corporation or township in which such nuisance exists, or from a county commissioner of such county, shall be fined not more than fifty dollars nor less than ten dollars, and pay the cost of prosecution, and in default of the payment of said fine and costs, be imprisoned not more than thirty days, but the provisions hereinbefore made shall not prohibit the depositing of the contents of privy vaults and catch basins into trenches or pits not less than three (3) feet deep, excavated in any lot, field or meadow, the owner thereof consenting, outside the limits of any municipal corporation, and not less than thirty rods distant from any dwelling, well or spring of water, lake, bay or pond, canal, run, creek, brook or stream of water, public road or highway; provided, that said contents deposited in said trenches or pits are immediately thereafter covered with dry earth to the depth of at least twelve inches; nor shall said provisions prohibit the depositing of said contents into furrows situate and distinct, as specified for said trenches or pits; provided, the same are immediately thereafter wholly covered with dry earth by plowing or otherwise; and, provided, also, that the owner or occupant of the land in which said furrows are plowed consents, and is a party thereto; provided, also, that the board of health of any municipal corporation may allow said contents to be deposited within corporate limits into trenches or pits or furrows, situate, distant and to be covered as aforesaid. Provided, further, that in cities of the second grade of the second class having and maintaining a crematory, the contents of privy vaults in said cities and towns shall be deposited at said crematory, and whoever shall haul away and deposit the contents of any such privy vault, in any such municipal corporation, at any other place than at such crematory, shall be fined not more than fifty dollars nor less than ten dollars, and pay the cost of prosecution, and in default of the payment of said fine and costs, be imprisoned not more than thirty days.

Dayton.

Tax in addition to two days' labor.

Sec. 1. The trustees of any township are hereby authorized and empowered, in addition to the two days' labor, to determine a per centum, to be levied for road purposes, upon each dollar of valuation of the taxable property of their respective townships, exclusive of any incorporated village, as follows: Any rate not exceeding four mills on each dollar, and said trustees shall certify the same to the county auditor in writing on or before the 15th of May of each year; and the county auditor shall assess the same on all the taxable property in said township, exclusive of any incorporated village, and the same shall be collected, one-half in the December installment, and one-half in the June installment, by the county treasurer, and paid over by him to the treasurer of the township from which said taxes were collected, the same to be expended for the improvement of roads in the township where collected.

How improvement ordered and contract let.

Sec. 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction, and the furnishing of the material for such improvement shall be publicly let; excepting such work as may be done by the road superintendents of the road district as herein provided. The contract for the material to be used in the construction of said road improvement, and the contracts for hauling said material upon the roads, shall be let separately.

Office of road supervisor abolished.

SECTION 2. That the office of road supervisor is hereby abolished.

Repeals, etc.

SECTION 3. That said original sections 1703 and 2660 of the Revised Statutes, as amended October 22, 1902; sections 4, 5, 6, 7, 8, 9, 10, 12 and 13 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896; sections 1457, 1458, 1460, 2830, 4203, 4207, 4208, 4252, 4255, 4678, 4715, 4715a, 4716, 4729, 4730, 4731, 4733, 4735, 4738, 4740, 4743, 4746, 4747 and 6923 of the Revised Statutes; section 1 of an act entitled, "An act to authorize and empower the trustees of townships having a population, at the last federal census, of not more than 2,116, nor less than 2,112, to levy a road tax," passed March 8, 1889; section 4 of an act entitled, "An act to authorize township trustees to improve public highways and levy taxes therefor," passed April 21, 1898; and sections 1456, 1515, 4739, 4741, 4742, 4755, 4756 and 4757 of the Revised Statutes; section 1 of an act entitled, "An act to authorize the township trustees in certain counties to divide their townships into road districts," passed March 13, 1891; section 14 of an act entitled, "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896; section 1 of an act entitled, "An act relating to roads and highways," passed March 9, 1868, as amended March 29, 1900; sections 1 and 2 of an act entitled, "An act to define the mode of working out taxes levied for repairing the public highways in certain counties," passed April 9, 1889; and section 1 of an act entitled, "An act to prevent supervisors from working out road tax, other than their own," passed April 18, 1890; and section 2829, be and the same are hereby repealed. This act shall take effect and be in force December 1, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
175G

[House Bill No. 78.]

AN ACT

To regulate railroads and other common carriers in this state, create a board of railroad commissioners, prevent the imposition of unreasonable rates, prevent unjust discriminations and insure an adequate railway service.

Be it enacted by the General Assembly of the State of Ohio:

Railroad commission; appointment, number and term of members.

SECTION 1. A railroad commission is hereby created to be composed of three commissioners. Within sixty days after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint such commissioners, but no commissioner so appointed shall be qualified to act until so confirmed, unless appointed during the adjournment of said senate. The term of one such appointee shall terminate on the first Monday in February, 1909; the term of the second such appointee shall terminate on the first Monday in February, 1911; and the term of the third such appointee shall terminate on the first Monday in February, 1913. In January, 1909, and biennially thereafter, there shall be appointed and confirmed, in the same manner, one commissioner for the term of six years from the first Monday in February of such year. Each commissioner so appointed shall hold his office until his successor is appointed and qualified. Any vacancy shall be filled by appointment by the governor for the unexpired term, subject to confirmation of the senate, but any such appointment shall be in full force until acted upon by the senate.

Vacancies.

Qualifications of commissioners.

a. The said commissioners shall have the following qualifications: One shall have a general knowledge of railroad law; each of the others shall have a general understanding of matters relating to railroad transportation, but at no time shall there be more than two of said commissioners members of the same political party.

Removals.

b. The governor may at any time remove any commissioner for any inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, which shall be not less than ten days thereafter and said hearing shall be open to the public. If he shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and his findings thereon with the record of the proceedings.

Additional qualification; effect of disqualification.

c. No person so appointed shall be pecuniarily interested in any railroad in this state or elsewhere, and if any such commissioner shall voluntarily become so interested, his office shall ipso facto become vacant; and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest; failing so to do, his office shall become vacant, and the governor shall proceed as provided for in section 1*b* of this act.

Commissioners shall devote entire time to duties of office.

d. No commissioner, nor the secretary, shall hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

Oath of office.

e. Before entering upon the duties of his office, each of said commissioners shall take and subscribe the constitutional oath of office, and shall in addition thereto swear (or affirm) that he is not pecuniarily interested in any railroad in this state or elsewhere, and that he holds no other office of profit, nor any position under any political committee or party; which oath or affirmation shall be filed in the office of the secretary of state.

Salary.

f. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner as salaries of other state officers are paid.

Organization.

g. The commissioners appointed under this act shall within twenty days after their appointment and qualification meet at the state capitol and organize by electing one of their number chairman, who shall serve until the second Monday of February, 1907. On the second Monday of February in each odd numbered year the commissioners shall meet at the office of the commission and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission, so long as a majority remains.

Secretary and clerks; appointment and salaries.

h. Said commission may appoint a secretary at a salary of not more than twenty-five hundred dollars per annum, and may appoint not more than three clerks, two of whom shall receive an annual salary not exceeding one thousand dollars each, and one of whom shall be an expert stenographer and receive an annual salary not exceeding twelve hundred dollars, and may employ such other experts as may be necessary to perform any service it may require of them, and shall fix their compensation. They may appoint inspectors who shall have the right to inspect freight in the cars or warehouses of transportation companies. Such inspectors shall also have the right to inspect all waybills, bills of lading and shipping receipts of such transportation companies so that they may determine whether the classification and rating of such freight is in conformity with the published tariffs and classifications of such transportation companies. Said inspectors shall be employed at fixed compensation.

Inspectors.

Duties of secretary.

i. The secretary shall take and subscribe to an oath similar to that of the commissioners, and shall keep full and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of commissioner shall be ineligible to the office of secretary.

Name of commission; seal.

j. The commissioners shall be known collectively as "Railroad Commission of Ohio," and in that name may sue and be sued. It shall have a seal with the words "Railroad Commission of Ohio," and such other design as the commission may prescribe engraved thereon by which it shall authenticate its proceedings and of which the courts shall take judicial notice.

Office; furniture and supplies; expenses.

k. The commission shall keep its office at the capitol, and shall be provided by the adjutant general with suitable room or rooms, necessary office furniture, supplies, stationery, books, periodicals, maps, and all necessary expenses shall be audited and paid as other state expenses are audited and paid. The commission may hold sessions at any place other than the capitol when the convenience of the parties so requires. The commissioners, secretary, and clerks, and such experts as may be employed, shall be entitled to receive from the state their actual necessary expenses while traveling on the business of the commission. Such expenditures to be sworn to by the person who incurred the expense and approved by the chairman of the commission.

Rules and regulations.

l. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of railroads and other parties before it, and all hearings shall be open to the public.

May confer with railroad commissioners of other states.

m. The commission may confer by correspondence, or by attending conventions, or otherwise, with the railroad commissioners of other states, and with the interstate commerce commission, on any matters relating to railroads.

Term "railroad" defined.

SECTION 2. The term "railroad" as used herein shall mean and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers (appointed by any court whatsoever) that now, or may hereafter, own, operate, manage or control any railroad or part of a railroad as a common carrier in this state, or cars, or other equipment used thereon, or bridges, terminals, or side tracks, or any docks or wharves or storage elevators used in connection therewith, whether owned by such railroad or otherwise, but the provisions of this act shall not apply to companies engaged exclusively in the sleeping car business. The term "railroad" whenever used herein shall also mean and embrace express companies, and all duties required of and penalties imposed upon any railroad or any officer or agent thereof shall, in so far as the same are applicable, be required of and imposed upon express companies and their officers and agents, and the commission shall have the power of supervision and control of express companies to the same extent as railroads.

a. The provisions of this act shall apply to the transportation of passengers and property between points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, including icing charges and mileage charges, and shall apply to all railroad corporations, express companies, car companies, freight and freight line companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers, upon or over any line of railroad within this state, and to any common carrier engaged in the transportation of passengers and property wholly by rail or partly by rail and partly by water. To what the provisions of this act shall apply.

b. This act shall not apply to street and electric railroads engaged solely in the transportation of passengers within the limits of cities, nor other private railroads not doing business as common carriers. To what this act shall not apply.

SECTION 3. Every railroad is hereby required to furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered in the transportation of passengers or property or for any service in connection therewith or for the receiving, switching, delivering, storing or handling of such property, shall be reasonable and just, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful. Duties of railroads.

SECTION 4. Every railroad shall print in plain type and file with the commission within a time fixed by the commission, schedules which shall be open to public inspection, showing all rates, fares and charges for the transportation of passengers and property, and any service in connection therewith, which it has established and which are in force at the time between all points in this state upon its line, or any line controlled or operated by it, and the rates, fares and charges shown on such schedules as are in effect at the date this act takes effect. The schedules printed as aforesaid shall plainly state the places upon its line or any line controlled or operated by it in this state between which passengers and property will be carried, and there shall be filed therewith the classification of freight in force. Every railroad shall publish with and as a part of such schedules all rules and regulations that in any manner affect the rates charged or to be charged for the transportation of passengers or property, also its charges for delay in loading or unloading cars, for track and car service, or rental and for demurrage, switching, terminal or transfer service, or for rendering any other service in connection with the transportation of persons or property. Two copies of said schedules for the use of the public shall be filed and kept on file in every depot, station and office of such railroad where passengers or freight are received for transportation in such form and place as to be accessible to the public and where they can be conveniently inspected. When passengers or property are transported over connecting lines in this state operated by more than one railroad, and the several railroads operating such lines establish joint Same; schedules of rates, etc.

rates, fares and charges, a schedule of joint rates shall also in like manner be printed and filed with the commission and in every depot, station and office of such railroads where such passengers or property are received for transportation.

Changes in schedules.

a. No change shall thereafter be made in any schedule, including schedule of joint rates, or in any classification, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the commission, upon application of any railroad, may prescribe a less time within which a reduction may be made. Copies of all new schedules shall be filed as hereinbefore provided in every depot, station and office of such railroad, ten days prior to the time the same are to take effect unless the commission shall prescribe a less time.

Changes in schedules; notices to be posted.

b. Whenever a change is made in any existing schedule, including schedule of joint rates, a notice shall be posted by the railroad in a conspicuous place in every depot, station and office, stating that changes have been made in the schedules on file, specifying the class or commodity affected and the date when the same will take effect.

Unlawful for railroads to charge, demand, collect or receive greater or less compensation than that specified in schedules.

c. It shall be unlawful for any railroad to charge, demand, collect or receive a greater or less compensation for the transportation of passengers or property or for any service in connection therewith than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, and the rates, fares and charges named therein shall be the lawful rates, fares and charges until the same are changed as herein provided.

Form of schedules.

d. The commission may prescribe such changes in the form in which the schedules are issued by the railroad as may be found expedient, and such schedule shall, as far as practicable, conform to the forms prescribed by the interstate commerce commission.

Rates shall be just and reasonable.

SECTION 5. Whenever passengers or property are transported over two or more connecting lines of railroad between points in this state, and the railroad companies have made joint rates for the transportation of the same, such rates and all charges in connection therewith shall be just and reasonable, and every unjust and unreasonable charge is prohibited and declared to be unlawful; provided, that a less charge by each of said railroads for its proportion of such joint rates than is made locally between the same points on their respective lines shall not for that reason be construed as a violation of the provisions of this act, nor render such railroads liable to any of the penalties hereof.

Special contract rates.

SECTION 6. Nothing in this act shall be construed to prevent concentration, commodity, transit and other special contract rates, but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions of this act as

to the printing and filing of the same: Provided, all such rates shall be under the supervision and regulation of the commission.

Classifications of freight shall be uniform.

SECTION 7. The classification of freight in the state shall be uniform on all railroads.

Free transportation or transportation at reduced rates, when lawful.

SECTION 8. Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the United States, the state, or any political subdivision thereof, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or household goods the property of railway employes; or the issuance of mileage, commutation or excursion passengers' tickets, provided that the same shall be obtainable by any person applying therefor without discrimination, or of party tickets, provided, that the same shall be obtainable by all persons applying therefor under like circumstances and conditions. This act shall not be construed as preventing railroads from giving free transportation or reduced rates therefor to any minister of the gospel, officer or agents of incorporated colleges, regular agents of charitable societies, when traveling upon the business of the society only, destitute and homeless persons, railroad officer, attorney, director, employe or members of their families; or to prevent the exchange of passes with officers, attorneys or employes of other railroads and members of their families.

Live stock attendants; may furnish free transportation for.

a. Upon any shipment of live stock or other property of such nature as to require the care of an attendant, the railroad may furnish to the shipper or some person or persons designated by him, free transportation for such attendant, including return passage to the point at which the shipment originated; provided, there shall be no discrimination in reference thereto between such shippers, and the commission shall have power to prescribe regulations in relation thereto.

Duty of railroads with respect to depots, buildings, side tracks, switches, etc.

SECTION 9. It shall be the duty of every railroad to provide and maintain adequate depots and depot buildings at its regular stations for the accommodation of passengers, and said depot buildings shall be kept clean, well lighted and warmed, for the comfort and accommodation of the traveling public. All railroads shall keep and maintain adequate and suitable freight depots, buildings, switches and side tracks for the receiving, handling and delivering of freight transported or to be transported by such railroads; provided, that this shall not be construed as repealing any existing law on the subject.

Duty of railroads with respect to furnishing cars.

SECTION 10. Every railroad shall, when within its power so to do, and upon reasonable notice, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight in car load lots. In case of insufficiency of cars at any time to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination

between shippers or competitive or non-competitive places; provided, preference may be given to shipments of live stock and perishable property.

Power of commission as to enforcement of reasonable regulation for furnishing cars, etc.

a. The commission shall have power to enforce reasonable regulations for furnishing cars to shippers and switching the same, and for the loading and unloading thereof, and the weighing of the cars and freight offered for shipment over any line of railroad.

Interchange of traffic between railroads.

SECTION 11. All steam railroad companies as between themselves and all interurban and electric railroads as between themselves, shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines, for forwarding and delivering passengers and property, and shall transfer and deliver without unreasonable delay or discrimination any freight or cars, loaded or empty, or any passengers destined to any point on its own or any connecting lines; provided, that precedence over other freight may be given to live stock and perishable freight.

Control of commission over private tracks.

a. The commission shall have control over private tracks in so far as the same are used by common carriers, in connection with any railroad for the transportation of freight, in all respects the same as though such tracks were a part of the track of said railroad.

Investigation of charges that rates, fares, etc., or regulations, etc., are unreasonable or unjustly discriminatory or that service is inadequate.

SECTION 12. Upon complaint of any person, firm, corporation or association, or of any mercantile, agricultural or manufacturing society, or of any body politic or municipal organization, that any of the rates, fares, charges or classifications, or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are in any respect unreasonable or unjustly discriminatory, or that any service is inadequate, the commission may notify the railroad complained of that complaint has been made, and ten days after such notice has been given the commission may proceed to investigate the same as hereinafter provided. Before proceeding to make such investigation the commission shall give the railroad and the complainants ten days' notice of the time and place when and where such matters will be considered and determined, and said parties shall be entitled to be heard and shall have process to enforce the attendance of witnesses. If upon such investigation the rate or rates, or any regulation, practice or service complained of shall be found to be unreasonable or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have power to fix and order substituted therefor such rate or rates, fares, charges or classification as it shall have determined to be just and reasonable and which shall be charged, imposed and followed in the future, and shall also have power to make such orders respecting such regulation, practice or service as it shall have determined to be reasonable and which shall be observed and followed in the future.

a. The commission may, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately, and at such times as it may prescribe. No complaint shall of necessity at any time be dismissed because of the absence of direct damage to the complainant.

Separate hearings.

b. Whenever the commission shall believe that any rate or rates or charge or charges may be unreasonable or unjustly discriminatory, and that an investigation relating thereto should be made, it may, upon its own motion, investigate the same. Before making such investigation it shall present to the railroad a statement in writing setting forth the rate or charge to be investigated. Thereafter, on ten days' notice to the railroad of the time and place of such investigation, the commission may proceed to investigate such rate or charge in the same manner and make like orders in respect thereto as if such investigation had been made upon complaint.

Power of commission to make investigation upon its own motion.

c. This section shall be construed to permit any railroad to make complaint with like effect as though made by any person, firm, corporation or association, mercantile, agricultural or manufacturing society, body politic or municipal organization.

Railroad may make complaint.

SECTION 13. Each of the commissioners, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses, and the production of papers, waybills, books, accounts, documents and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner or any subpœna, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the court of common pleas of any county, or a judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court, or a refusal to testify therein, and in addition said commission shall have the powers vested in justices of the peace, or notaries public to compel witnesses to testify and to produce books and papers.

Power of commissioners to administer oaths, issue subpœnas, compel the attendance of witnesses, etc.

a. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission; provided, that no witness subpœnaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

Witnesses' fees and mileage.

b. The commission or any party may in any investigation cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by

Depositions.

law for like depositions in civil actions in courts of common pleas.

Record of investigations.

c. A full and complete record shall be kept of all proceedings had before the commission on any investigation had under section 12 of this act, and all testimony shall be taken down by the stenographer appointed by the commission. Whenever any complaint is served upon the commission under the provisions of section 16 of this act the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the court of common pleas of the county where the action is pending.

Value of certified copy of proceedings.

A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation, taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in longhand of all the testimony on the investigation, or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation, and all other persons, a copy on payment of a reasonable amount therefor.

Action of commission when charges of unreasonableness or inadequacy of service are found to be true.

SECTION 14. Whenever, upon an investigation made under the provisions of this act, the commission shall find any existing rate or rates, fares, charges or classifications, or any joint rate or rates, or any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are unreasonable or unjustly discriminatory, or any service is inadequate, it shall determine and by order fix a reasonable rate, fare, charge, classification or joint rate to be imposed, observed and followed in the future in lieu of that found to be unreasonable or unjustly discriminatory, and it shall determine and by order fix a reasonable regulation, practice or service to be imposed, observed and followed in the future, in lieu of that found to be unreasonable or unjustly discriminatory, or inadequate, as the case may be, and it shall cause a certified copy of each such order to be delivered to an officer or station agent of the railroad affected thereby, which order shall of its own force take effect and become operative thirty days after the service thereof. All railroads to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any railroad in any such rates, fares, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the railroads affected thereby in like manner, and the same shall take effect within such times thereafter as the commission shall prescribe.

a. The commission may at any time upon application of any person or any railroad and upon notice to the parties in interest, and after opportunity to be heard as provided in section 12, rescind, alter or amend any order fixing any rate or rates, fares, charges or classification, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Power of commission to rescind, alter or amend its orders.

SECTION 15. All rates, fares, charges, classifications and joint rates fixed by the commission shall be in force and shall be prima facie lawful, for a period of one year from the date the same takes effect, unless or until changed or modified, by the commission, or in pursuance of section 16 of this act. All regulations, practices and service prescribed by the commission shall be in force and shall be prima facie reasonable, unless suspended or found otherwise in an action brought for that purpose pursuant to the provisions of section 16 of this act, or until changed or modified by the commission as provided for in paragraph *a*, section 14, of this act.

Rates, fares, classifications, etc., fixed by commission are prima facie lawful.

Regulations, practices and services prescribed by commission are prima facie reasonable.

SECTION 16. Any railroad or other party in interest being dissatisfied with any order of the commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices or services, may, within sixty days, commence an action in the court of common pleas against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates, fixed in such order, is unlawful or unreasonable, or that any such regulation, practice or service, fixed in such order, is unreasonable, in which action the adverse parties shall be served with the summons. The commission shall file its answer, and on leave of court, any interested party may file an answer to said complaint within ten days after the service thereof, whereupon said action shall be at issue and stand ready for trial upon ten days' notice by either party. All actions brought under this section shall have precedence over any civil cause of a different nature pending in such court, and the court of common pleas shall always be deemed open for the trial thereof and the same shall be tried and determined as other civil actions; any party to such action may introduce original evidence in addition to the transcript of the evidence offered to said commission.

Proceedings in common pleas court to vacate or set aside orders of commission fixing rates, fares, classifications, etc., or orders fixing regulations, practices or services.

a. No injunction shall issue suspending or staying any order of the commission except upon application to the court of common pleas or judge thereof, notice to the commission having been given and hearing having been had thereon.

Injunctions.

b. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for fifteen days from the date of such

Proceeding when evidence introduced by plaintiff is found to be different from that offered upon hearing before commission.

transmission. Upon the receipt of such evidence the commission shall consider the same, and may alter, modify, amend or rescind its order relating to such rate or rates, fares, charges, classification, joint rate or rates, regulation, practice or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

Judgment of common pleas court.

c. If the commission shall rescind its order complained of, the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

Appeals.

d. Either party to said action, within sixty days after service of a copy of the order or judgment of the court may appeal or take the case up on error as in other civil actions. Where an appeal is taken the cause shall, on the return of the papers to the higher court, be immediately placed on the calendar of the then pending term, and shall be assigned and brought to a hearing in the same manner as other causes on the calendar.

Burden of proof.

e. In all actions under this section the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that the order of the commission complained of is unlawful, or unreasonable, as the case may be.

Judicial proceedings under this act shall be the same as in civil actions.

SECTION 17. In all actions and proceedings in court arising under this act all processes shall be served, and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall execute any process issued under the provisions of this act, and shall receive such compensation therefor as may be prescribed by law for similar services.

Witness shall not be excused on ground that evidence may tend to incriminate.

a. No person shall be excused from testifying or from producing books and papers in any proceedings based upon or growing out of any violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Certified copies of orders of commission shall be prima facie evidence in judicial proceedings.

b. Upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order, made by it, which shall be prima facie evidence in any court or proceeding of the facts stated therein.

Authority of commission to inquire into management of business of railroads.

SECTION 18. The commission shall have authority to inquire into the management of the business of all railroads, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any railroad all necessary information to enable the commission to perform the duties and carry out the objects for which it was created.

Blanks to be filled out by railroads; commission to prepare and furnish.

a. The commission shall cause to be prepared suitable blanks for the purposes designated in this act, which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission, and shall, when necessary, furnish such blanks to each railroad. Any railroad receiving from the commission any such blanks, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the proper officer of said railroad and returned to the commission at its offices within the time fixed by the commission, the making of a false affidavit or filing of the same shall be deemed perjury and punishable as such under the statutes of Ohio defining perjury.

Perjury.

Right of commission to inspect books, etc.

b. The commission or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books and papers of any railroad and to examine under oath any officer, agent or employe of such railroad in relation to any matter which is the subject of complaint and investigation; provided, that any person other than the one of said commissioners who shall make such demand shall produce his authority to make such inspection under the hand of the commissioner, or of the secretary, and under the seal of said commission.

Commission may require production of books, papers, accounts, etc.

c. The commission may require, by order or subpœna, to be served on any railroad, in the same manner that a summons is served in a civil action in the court of common pleas, the production within this state, at such time and place as it may designate, of any books, papers or accounts relating to any matter which is the subject of complaint or investigation kept by said railroad in any office or place without the state of Ohio, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction, and such subpœna may issue to any sheriff in any county of the state. Any railroad failing or refusing to comply with any such order or subpœna within a reasonable time, shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than one hundred dollars nor more than one thousand dollars, to be recovered in a civil action brought in the name of the railroad commission of Ohio.

Penalty for refusal to comply with order or subpœna.

Railroads to furnish commission with copies of contracts relating to transportation of persons or property.

SECTION 19. Every railroad whenever required by the commission shall, within a time to be fixed by the commission, deliver to the commission for its use copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith, made or en-

tered into by it with any other railroad company, terminal company, depot company, car company, equipment company, express or other transportation company, bridge company, or any shipper or shippers, producers or consumers or other person or persons doing business with it.

Filing of verified list of tickets, passes and mileage books issued free.

a. Every railroad shall, on the first Monday in February in each year, and oftener if required by the commission, file with the commission a verified list of all railroad tickets, passes and mileage books issued free or for other than actual bona fide money consideration at full established rates during the preceding year, together with the names of the recipients thereof, the amount received therefor and the reason for issuing the same. This provision shall not apply to the sale of tickets at reduced rates open to the public, nor to tickets, passes, or mileage books issued to persons not residents of this state, nor to tickets, passes or mileage books issued prior to the passage of this act, or issued pursuant to section 8 of this act.

Railroads shall file with commission full and true statement of affairs of corporation.

SECTION 20. Every railroad company incorporated or doing business in this state, or which shall hereafter become incorporated or do business in this state shall, on or before the 15th day of September, 1906, and on or before the same day in each year thereafter, make and transmit to the commission at its office in Columbus, a full and true statement under oath of the proper officer of such corporation, of the affairs of such corporation relative to the state of Ohio for the year ending on the 30th day of June preceding, which statement for the state of Ohio shall be similar in character and detail to the annual report required to be made by railroad companies to the interstate commerce commission.

Power and duty of commission to investigate freight rates on interstate traffic.

SECTION 21. The commission shall have power, and on complaint of any person it is hereby made its duty, to investigate all or any freight rates on interstate traffic on railroads in this state, and when the same are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the interstate commerce law, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission shall present the facts to the railroad, with a request to make such changes as the commission may advise, and if such changes are not made within a reasonable time, the commission shall apply by petition to the interstate commerce commission for relief. All freight tariffs issued by any such railroad relating to interstate traffic in this state shall be filed in the office of the commission within thirty days after the passage of this act, and all such tariffs thereafter issued shall be filed with the commission when issued.

Application to interstate commerce commission for relief.

"Unjust discrimination" defined; penalty.

SECTION 22. If any railroad, or any agent or officer thereof, shall directly or indirectly, by any special rate, rebate, drawback, or by means of false billing, false classification, false weighing, or by any other device whatsoever, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service

rendered or to be rendered by it for the transportation of persons or property or for any service in connection therewith, than that prescribed in the published tariffs then in force, or established as provided herein, or than it charges, demands, collects or receives from any other person, firm, or corporation for a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions; such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful, and upon conviction therefor shall forfeit and pay into the state treasury not less than one hundred dollars nor more than five thousand dollars for each offense; and any agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Charging or collecting less compensation for services in consideration of the furnishing of part of the facilities therefor, unlawful.

a. It shall be unlawful for any railroad to demand, charge, collect or receive from any person, firm or corporation a less compensation for the transportation of property or for any service rendered or to be rendered by said railroad in consideration of said person, firm or corporation furnishing any part of the facilities incident thereto; provided, nothing herein shall be construed as prohibiting any railroad from procuring any facilities or service incident to transportation and paying a reasonable compensation therefor.

Unlawful to make or give undue or unreasonable preference or advantage or to subject to undue or unreasonable prejudice or disadvantage.

SECTION 23. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Unlawful to accept or receive rebate, concession, etc., by which property shall be transported at less than published rate.

SECTION 24. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation of any property wholly within this state, or for any service in connection therewith, whereby any such property shall by false billing, false classification, false weighing, or any other device whatsoever, be transported at a less rate than that named in the published tariffs in force as provided herein, or whereby any service or advantage is received other than is therein specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Penalty.

Punitive damages.

SECTION 25. If any railroad shall do or cause to be done or permit to be done any matter, act or thing in this act, prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such railroad shall be liable to the person, firm or corporation injured there-

by in treble the amount of damages sustained in consequence of such violation; provided, that any recovery as in this section provided shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

Penalty against officers, agents and employes.

SECTION 26. Any officer, agent or employe of any railroad who shall wilfully fail or refuse to fill out and return any blanks as required by this act, or shall wilfully fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such question, or shall evade the answer to any such question, where the fact inquired of is within his knowledge, or who shall, upon proper demand wilfully fail or refuse to exhibit to any commissioner or any commissioners, or any person authorized to examine the same, any book, paper or account of such railroad, which is in his possession or under his control, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each such offense; and a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the railroad for each such offense when such officer, agent or employe acted in obedience to the direction, instruction or request of such railroad or any general officer thereof.

Penalty against railroad for violation of this act, etc.

SECTION 27. If any railroad shall violate any provision of this act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, or upon failure of any railroads to place in operation any joint rate, or do any other act herein prohibited, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by any court upon its application, for every such violation, failure or refusal, such railroad or railroads shall forfeit and pay into the state treasury a sum of not less than one hundred dollars nor more than ten thousand dollars for each offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any railroad, acting within the scope of his employment, shall in every case be deemed to be the act, omission or failure of such railroad.

Power of commission to regulate in cases not specifically designated.

SECTION 28. Whenever, after hearing and investigation as provided by this act, the commission shall find that any charge, regulation or practice affecting the transportation of passengers or property, or any service in connection therewith, not hereinbefore specifically designated, is unreasonable or unjustly discriminatory, it shall have the power to regulate the same as provided in sections 12 and 14 of this act.

Railroad accidents; duty of commission as to investigation.

SECTION 29. Every railroad shall, whenever an accident attended with loss of human life occurs within this state, upon its line of road or on its depot grounds or yards, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made

forthwith, which investigation shall be held in the locality of the accident, unless, for greater convenience of those concerned, it shall order such investigation to be held at some other place, and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall seasonably notify an officer or station agent of the company of the time and place of the investigation. The cost of such investigation shall be certified by the chairman of the commission, and the same shall be audited and paid by the state in the same manner as other expenses are audited and paid and a record or file of said proceedings and evidence shall be kept by said commission.

Commission to inquire into neglect or violation of laws of state.

SECTION 30. The commission shall inquire into any neglect or violation of the laws of this state by any such railroad corporation hereinbefore defined doing business therein, or by the officers, agents or employes thereof, or by any person operating a railroad, and shall have the power, and it shall be its duty, to enforce the provisions of this act as well as all other laws relating to railroads and report all violations thereof to the attorney-general; upon request of the commission it shall be the duty of the attorney-general or the prosecuting attorney of the proper county to aid in any investigation, prosecution, hearing or trial had under the provisions of this act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this act and of all other laws of this state relating to railroads and for the punishment of all violations thereof. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the state of Ohio in the court of common pleas for Franklin county, or of any county having jurisdiction of the defendant. The attorney-general of Ohio shall be the counsel in any proceeding, investigation, hearing or trial prosecuted or defended by the commission, or any prosecuting attorney selected by said commission in any county where such action is pending.

Upon request of commission attorney-general or prosecuting attorney shall prosecute.

Commission may investigate claims against railroads not acted upon within ninety days after filing thereof; special report.

SECTION 31. All claims against any railroad for loss of or damage to property from any cause, or for overcharge upon any shipments, or for any other service, if not acted upon within ninety days from the date of the filing of such claim with the railroad, may be investigated by the commission, in its discretion and the result of such investigation shall be embodied in a special report which shall be open to public inspection and may be included in the next annual report of the commission.

Substantial compliance with act sufficient to give effect to rules, etc., of commission.

SECTION 32. A substantial compliance with the requirements if this act shall be sufficient to give effect to all rules, orders, acts and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Act shall not affect right of action for right, penalty or forfeiture; penalties and forfeitures under this act shall be cumulative.

SECTION 33. This act shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any law of this state; and all penalties and forfeitures accruing under this act shall be cumulative and a suit for, and recovery of one, shall not be a bar to the recovery of any other penalty.

Commission can enforce this act by mandamus, injunction, etc.

SECTION 34. In addition to all the other remedies provided by this act for the prevention and punishment of any and all violations as to the provisions hereof and all orders of the commission, the commission can compel compliance with the provisions of this act and of the orders of the commission by proceedings in mandamus, injunction or by other appropriate civil remedies.

Filing by railroads of copies of schedules of rates in force when act takes effect.

SECTION 35. Every railroad in this state shall, within thirty days after the passage of this act, file in the office of the commission copies of all schedules of rates, including joint rates in force on its line or lines, between points within this state, on the date this act takes effect.

Powers, duties, etc., of present commissioner of railroads and telegraphs conferred upon commission herein created.

SECTION 36. All powers, duties and privileges imposed and conferred upon the commissioner of railroads and telegraphs of this state under existing laws are hereby imposed and conferred upon the commission created under the provisions of this act; provided, that the power and duties conferred and imposed upon the railroad commissioner by laws in force at the passage of this act shall continue to be exercised by him until the commission provided for in section 1 of this act has been appointed and qualified, whereupon the office of commissioner of railroads and telegraphs is hereby abolished.

Office of commissioner of railroads and telegraphs abolished.

Invalidity of any section or part thereof of this act shall not affect other sections or parts thereof.

SECTION 37. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or any part thereof.

Repeals, etc.

SECTION 38. Sections 245, 246 and section 249 of the Revised Statutes of Ohio are hereby repealed; provided, however, no rates fixed by the commission shall exceed the maximum rates prescribed by any statute of the state of Ohio in force at the time the commission fixes such rates, nor shall this act in any wise affect, modify or repeal section 3374 of the Revised Statutes of Ohio, as amended February 8, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclu-

sive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
176G

[House Bill No. 233.]

AN ACT

To amend sections 395 and 396 of the Revised Statutes of Ohio, to provide for the appointment of a state inspector of oils and deputy inspectors of oils, and to define and prescribe the duties, and fix the compensation, of such state inspector of oils and of such deputy inspectors of oils.

Be it enacted by the General Assembly of the State of Ohio:

State inspector of oils:

SECTION 1. That sections 395 and 396 of the Revised Statutes of Ohio, be amended to read as follows:

Appointment and term of inspector of oils.

Sec. 395. The governor, by and with [the] advice and consent of the senate, shall appoint a skilled and suitable person, who is not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be for two years from the fifteenth day of May of each even numbered year and until his successor is appointed and qualified; provided, however, that the first appointment of a state inspector of oils under this act shall be for the term of two years commencing May 15, 1906, and continuing until his successor is appointed and qualified, and that the present inspector of oils for the first district of Ohio and the present inspector of oils for the second district of Ohio shall without salary or other compensation from the state jointly perform the duties of the state inspector of oils under this act, until May 15, 1906, and no longer and provide further, that in case of a vacancy occurring by death, resignation or otherwise in the office of state inspector of oils the governor shall fill the same as provided in section twelve of the Revised Statutes of Ohio.

Empowered to appoint deputies.

The state inspector of oils, when so appointed and qualified, is empowered to appoint a suitable number of deputy inspectors of oils not exceeding eighteen in number, who are not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, who are empowered to perform the duties of inspection, and liable to the same penalties as the state inspector of oils; and the state inspector of oils may remove any one or more of such deputy inspectors of oils for a reasonable cause and appoint others in their places; provided, that all deputy inspectors of oils now in office shall remain in office and perform the duties of deputy inspector of oils under this act, until May 15, 1906, and no longer. The inspectors and their deputies

Instruments, apparatus, etc. for inspection.

shall provide themselves at their own expense with the necessary instruments and apparatus, and stencils, brands and stamps for the testing and making the quality of illuminating oils, and when called upon for that purpose to promptly inspect all oils [herein] mentioned, and to reject for illuminating purposes, for consumption in this state, all oils which, by being adulterated with naphtha, benzine [paraffine] or other light oils or other substance, or for any other reason, will not stand and be equal to the test herein prescribed. The inspector shall prepare the forms of all stencils, brands and stamps provided for in this chapter, and also such general regulations and rules for inspection, not inconsistent with the terms and provisions of this chapter, and such rules and regulations shall be uniform and binding on all deputy inspectors in both the districts of the state. The inspectors and their deputies are required to test the quality of all mineral or petroleum oils, or any oil, fluid or substance which [is] a product of petroleum, or into which petroleum or any product of petroleum enters, or is found a constituent element, which is offered or is intended to be offered for sale for illuminating purposes in this state, and if, upon such testing or examination, the same meets the requirements herein specified, the inspector or his deputies shall affix by stencil or brand on any package, cask or barrel containing the same, and by a stamp subscribed with his official signature, the word "approved," with the date of such inspection; and it will then be lawful for any manufacturer, vender or dealer to sell the same to be consumed within the state as an illuminator; but if the oil so tested does not meet such requirements he shall mark by stencil or brand, in plain letters, on any package or barrel containing the same, and by stamp subscribed with his official signature, the words, "rejected for illuminating purposes," giving the date of such inspection; and it shall be unlawful for the owner thereof to sell [oil] so branded or rejected, to be consumed within the state for illuminating purposes; and if any person sells or offers for sale oil so rejected, he shall be deemed guilty of a misdemeanor, and shall be subject to a penalty in any sum not less than one thousand dollars, or be imprisoned in the county jail not exceeding twenty days or both.

Duties of inspector and deputies.

Unlawful sales.

Oath and bond of inspector and deputies.

Sec. 396. The state inspector of oils, shall before he enters upon the discharge of the duties of his office, take an oath of office and file the same in the office of the secretary of state, and also execute a bond to the state in the sum of twenty thousand dollars, with sureties to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by law, which bond shall be for the use of the state of Ohio and all persons in any way aggrieved or injured by the acts or neglect of such state inspector, [and] the same shall be filed with the secretary of state. The deputy inspectors shall each execute a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the judge of probate court of the county where the deputy is located, and file the same with the clerk of the

court of common pleas in the county where he resides. The state inspector of oils shall receive an annual salary of thirty-five hundred dollars payable monthly together with an annual allowance of five hundred dollars for traveling expenses, and six hundred dollars for stenographer, payable monthly, to be paid out of the moneys received by him, directly or through deputy inspectors, under this act. The state of Ohio to furnish a suitable office either in the state house or elsewhere in Columbus. Each and every owner of oil which is inspected, or the party calling for such inspection or from [for] whom such inspection is performed, shall pay the state inspector or the deputy inspector inspecting the same fees therefor, as follows: The sum of forty cents for a single barrel, package or cask; the sum of twenty-five cents each where [when] the lot inspected does not exceed ten in number; the sum of fifteen cents each when the lot inspected does not exceed fifty in number and the sum of five cents each for all lots exceeding fifty in number, and all fees so accruing shall be in [a] lien on the oil so inspected; every state inspector of oils and every deputy inspector of oils shall keep a true and accurate record of all oils so inspected and branded by him which record shall state the date of inspection, number of barrels, and the name of the person for whom inspected, and such record shall be open to the examination of any and all persons interested. All fees for inspection under this act made on and after May 15, 1906, shall be paid by any deputy inspector receiving the same to the state inspector of oils, during the first ten days of the next calendar month after the same are received, and every deputy inspector of oils shall on the first Monday in each month, make a true and accurate return to the state inspector of oils of all such inspections for the preceding month, giving the quality [quantity] inspected, the date of the inspection and the name of the person for whom it was inspected and shall file a duplicate copy of such return at the same time with the auditor of state. Each deputy inspector shall receive after May 15, 1906, for such inspection, fees as follows to be paid quarterly on the aggregate lot inspected by him during each quarter: five cents each for lots of two hundred and fifty and under; four cents each for all excess above two hundred and fifty and not over five hundred; three and one-half cents each for all excess above five hundred and not above seven hundred and fifty; three cents each for all excess above seven hundred and fifty and not over fifteen hundred; two and one-half cents each for all excess above fifteen hundred and not over twenty-five hundred; two cents each for all excess above twenty-five hundred and not over forty-five hundred; one and three-fourths cents each for all excess above forty-five hundred and not over ten thousand; one and one-half cents each for all excess above ten thousand and not over fifteen thousand; one cent each for all excess above fifteen thousand; provided, that no deputy inspector shall receive more than twelve hundred dollars in any year. The state inspector of oils shall pay into the state treasury, quarterly, all moneys received by him directly or through

Salary and expenses of state inspector.

Fees for inspection.

Record of inspections to be kept.

Compensation of deputy inspectors.

Disposition of fees collected.

deputy inspectors under this act after first paying therefrom all money due him or said deputy inspectors under the provisions of this act up to that date. The state inspector of oils shall make at least one official visit each year to each deputy inspector. On the second Monday of each year, he shall make and deliver to the governor a report of the inspection by himself and deputies during the preceding calendar year.

Annual report.

Repeals.

SECTION 2. That said original sections 395 and 396 of the Revised Statutes of Ohio be and the same are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
177G

[Senate Bill No. 143.]

AN ACT

To amend sections 4, 7 and 8 of an act entitled, "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," passed April 28, 1902, Vol. 95, O. L., page 277.

Be it enacted by the General Assembly of the State of Ohio:

State parks, pleasure resorts, etc.:

SECTION 1. That sections 4, 7 and 8 of an act entitled, "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," be amended so as to read as follows:

Fund for maintaining, improving and policing such parks.

SEC 4. And be it further enacted that all revenues derived from the granting of leases of lands, docks, boat landings and other special privileges connected with such parks or pleasure resorts as aforesaid, including the Celina Grand reservoir in Mercer and Auglaize counties, except rentals from water and oil leases, shall be set apart as a special fund, for the purpose of maintaining, improving and policing the same, and such special fund, including unexpended balances now on hand, shall be expended under the direction of the

joint board provided for in section 1 of an act entitled "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," passed April 28, 1902, upon warrants drawn by the president of the board of public works, after a majority of each board, comprising said joint board, has approved the bills or accounts, for which such warrants are drawn, at any regular or called session of said joint board.

Fees for license to maintain and operate boats on state reservoirs.

Sec. 7. There shall be collected annually, on the first day of May, through such officers as the joint board provided for in the first section of this act shall designate, the following fees upon all boats and watercraft maintained and operated, (canal traffic boats excepted) in or upon any of the waters of any state reservoir dedicated or set apart for the use of the public for park or pleasure resort purposes; rowboats carrying not more than five persons, one dollar; rowboats carrying more than five persons, fifty cents additional for each person in excess of five; electric, naptha and steam launches, steamboats and watercraft used for similar purposes, one dollar for each person (170 pounds) that may be carried thereon with safety, and all moneys derived from this source shall be accredited to the funds provided for in the third section of this act, and upon the payment of such fees, the joint board, provided for in the first section of said act, shall issue a written permit, to be signed by the president of the state board of public works, authorizing such person, persons or corporation to maintain and operate the boats, for which such fees have been paid, upon the waters of such public parks or pleasure resorts, in the manner prescribed in such permit, but such permit shall be revoked by the joint board, provided for in the first section of this act, on proof that such boat or boats are used for illegal purposes.

Metal plates to be affixed to all boats thus licensed.

Sec. 8. In carrying out the provisions of section 7 of an act entitled "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," passed April 28, 1902, the joint board, provided for in the said section of this act, shall procure suitable metal plates, to be numbered consecutively, to be issued annually to parties desiring to use boats on the waters of such public parks, for which the fees provided for in section 7 of said act shall be charged, and if any one maintains or operates a boat on the waters of any such public park or pleasure resort, without first obtaining the necessary permit and displaying at all times such metal plate, in a conspicuous manner, upon the side or end of his boat, it shall be the duty of the police patrolmen, provided for in the third section of this act, or other officer designated by said joint board, to take charge of such illegally maintained or operated boat and hold the same until the fees, provided for in section 7 of said act, shall have been paid and such metal plate has been attached, and a penalty of fifty cents for the first day and twenty-five cents for each day thereafter shall be charged for the care of each of such boats. If the

Penalty for noncompliance.

owner does not claim and prove ownership of such boat or boats, and pay the fees and charges due thereon within ten days, the joint board is hereby authorized, through the police patrolmen or other officer designated by it, to advertise such boat for sale, by posting notices at at least three of the most conspicuous landings on said public park or pleasure resort for ten days, and sell the same, at public vendue, to the highest bidder, provided, that any and all bids may be rejected, and a fee of one dollar shall be allowed to such police patrolman or other officer selling the same, out of the proceeds of the sale, and the balance shall be certified into the state treasury, to the credit of the park or pleasure resort fund, as provided for in section 6 of said act, and a permit shall be issued to the purchaser and a metal plate attached to such boat. Upon application and proof of ownership of such boat, the joint board shall allow the owner, from the proceeds of such sale, all moneys derived therefrom in excess of such fees and charges, and a warrant shall be drawn for the amount. It shall be unlawful for any person to take possession of any boat which has been taken charge of by the police patrolman or other officer, as provided for in this section, until the fees and charges have been paid, and any person doing so shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding twenty-five dollars, nor less than five dollars, and shall stand committed until such fine and costs are paid. Neither the police patrolmen or other officer acting under the provisions of this section shall be liable for the loss of or any damage to any boat or boats taken and held by reason of the failure of the owner or owners thereof to comply with the provisions of section 7 of said act, providing ordinary care is exercised in the handling thereof.

Repeals.

SECTION 2. That sections 4, 7 and 8 of an act entitled "An act for the control and management of lakes, reservoirs and state lands dedicated to the use of the public for park and pleasure resort purposes," passed April 28, 1902, be and the same are repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS.
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

178G

[House Bill No. 317.]

AN ACT

To amend and to further supplement section 1284 of the Revised Statutes of Ohio, as amended April 21, 1904, providing for the salaries of state officials and employes.

Be it enacted by the General Assembly of the state of Ohio:

Compensation of public officers:

SECTION 1. That the following sections be enacted as supplementary to section 1284 of the Revised Statutes of Ohio, with sectional numbering as herein provided; and that said section 1284 of the Revised Statutes of Ohio be amended so as to read as follows:

Salaries of elective state officers.

Sec. 1284. The annual salaries of the elective officers of the state of Ohio shall be as follows:

Governor, ten thousand dollars;

Lieutenant governor, one thousand, five hundred dollars;

Secretary of state, six thousand, five hundred dollars;

Treasurer of state, six thousand, five hundred dollars;

Auditor of state, six thousand, five hundred dollars;

Attorney-general, six thousand, five hundred dollars;

Clerk of supreme court, four thousand dollars;

State commissioner of common schools, four thousand dollars;

Dairy and food commissioner, four thousand dollars;

Members of the board of public works, each, two thousand, nine hundred dollars;

Judges of the supreme court, each, six thousand, five hundred dollars;

Judges of the common pleas and superior courts, each, three thousand dollars.

Salaries of appointive state officers and employes.

Sec. 1284*b*. The annual salaries of the appointive officers and employes of the state of Ohio herein enumerated shall be as follows:

Secretary to the governor, five thousand dollars;

Executive clerk to the governor, who shall also be veto clerk and secretary of board of pardons, three thousand dollars;

Adjutant general, three thousand, five hundred dollars;

Assistant adjutant general, two thousand dollars;

Assistant quartermaster general, two thousand dollars;

Superintendent of insurance, four thousand dollars;

Deputy superintendent of insurance, two thousand, four hundred dollars;

Actuary, two thousand, four hundred dollars;

Deputy inspector of building and loan associations, and supervisor of bond investment companies, two thousand four hundred dollars;

Supervisor of public printing, two thousand dollars;

Commissioner of labor statistics, three thousand dollars;

Commissioner of soldiers' claims, one thousand, eight hundred dollars;

Inspector of mines, two thousand dollars;
Inspector of workshops and factories, two thousand dollars;
Chief examiner of stationary engineers, one thousand, eight hundred dollars;
Highway commissioner, two thousand, five hundred dollars;
State librarian, three thousand dollars;
Assistant state librarian, one thousand, two hundred dollars;
Law librarian, two thousand, five hundred dollars;
Assistant law librarian, one thousand, two hundred dollars;
Chief clerk to secretary of state, two thousand, four hundred dollars;
Cashier of state treasury, and secretary of depository commission three thousand, four hundred dollars;
Deputy auditor of state, three thousand dollars;
Chief clerk to auditor of state, two thousand, four hundred dollars;
Deputy inspectors and supervisors of public offices, each, twenty-five hundred dollars;
First assistant attorney-general, three thousand dollars;
Second assistant attorney-general, two thousand, five hundred dollars;
Deputy clerk of supreme court, one thousand, eight hundred dollars;
Second deputy clerk of supreme court, one thousand, five hundred dollars;
Supreme court reporter, four thousand dollars;
Chief clerk to state commissioner of common schools, one thousand, seven hundred and fifty dollars;
Secretary of board of public works, one thousand, five hundred dollars;
Chief engineer of board of public works, three thousand dollars;
Secretary of state board of health, thirty-five hundred dollars.

Salaries of appointive officers and employes of state institutions.

Sec. 1284*c*. The annual salaries of the appointive officers and employes of state institutions as herein enumerated shall be as follows:

Institution for the education of the deaf and dumb.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

Superintendent, who shall also be secretary, one thousand, seven hundred dollars;
Steward, one thousand dollars;
Matron, four hundred dollars.

Ohio state school for the blind.

OHIO STATE SCHOOL FOR THE BLIND.

Superintendent, one thousand, five hundred dollars;
Steward, one thousand dollars;
Matron, four hundred dollars.

INSTITUTION FOR FEEBLE-MINDED YOUTH.

Institution for feeble-minded youth.

Superintendent, who shall also be secretary of board of trustees, two thousand five hundred dollars;
Matron, four hundred dollars.

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Soldiers' and sailors' orphans' home.

Superintendent, one thousand, two hundred dollars;
Steward, one thousand dollars;
Matron, four hundred dollars.

OHIO SOLDIERS' AND SAILORS' HOME.

Ohio soldiers' and sailors' home.

Commandant, one thousand, five hundred dollars;
Quartermaster, one thousand, five hundred dollars;
Matron, four hundred eighty dollars.

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, MOTHERS AND WIDOWS, AND ARMY NURSES.

Home of the Ohio soldiers, sailors, marines, their wives, mothers and widows, and army nurses.

Superintendent, one thousand dollars.

BOYS' INDUSTRIAL SCHOOL.

Boys' industrial school.

Superintendent, who shall also be secretary of board of trustees, two thousand dollars.
Steward, one thousand, eight hundred dollars;
Matron, four hundred dollars.

GIRLS' INDUSTRIAL HOME.

Girls' industrial home.

Superintendent, who shall also be secretary of the board of trustees, one thousand, eight hundred dollars;
Matron, four hundred dollars.

OHIO PENITENTIARY.

Ohio penitentiary.

Managers, each, one thousand dollars;
Warden, two thousand, four hundred dollars;
Deputy warden, one thousand, three hundred, eighty dollars;
Assistant deputy warden, one thousand, two hundred and sixty dollars;
Secretary of board of managers, one thousand, five hundred dollars;
Clerk, one thousand five hundred dollars.

OHIO STATE REFORMATORY.

Ohio state reformatory.

Managers, each, one thousand dollars;
Superintendent, two thousand four hundred dollars.

State hospitals for insane and Ohio state hospital for epileptics.

STATE HOSPITAL FOR THE INSANE AND OHIO HOSPITAL FOR EPILEPTICS.

Superintendent of hospitals, asylums for the insane and Ohio hospital for epileptics each, two thousand dollars for the first year of service, and, for subsequent years of continuous service at an amount to be ascertained for each year by adding to two thousand dollars, the sum of one hundred dollars for each preceding year of continuous service, provided the total amount so ascertained shall not exceed twenty-five hundred dollars for any year, which sum shall be the maximum limit of the total compensation which said superintendent may receive for any and all services rendered in any capacity in or for said hospital for the insane, provided, the annual salaries of superintendents of state hospitals for the insane and Ohio hospital for epileptics shall continue until the expiration of their present terms respectively, one thousand two hundred dollars.

Stewards of state hospitals for the insane, and Ohio hospital for epileptics, each, one thousand two hundred dollars;

Matrons of the same, four hundred dollars.

No fees or additional compensation shall be paid.

SECTION 2. Provided, further, that no fees whatever in addition to the above named salaries shall be allowed to such officers; and provided, further, that no additional remuneration whatever shall be given any such officer under any other title than the title by which such officer was elected or duly appointed. The salaries herein provided for shall be in full compensation for any and all services rendered by said officers and employes, payment for which is made from the state treasury.

Disposition of fees collected.

SECTION 3. All fees collected by each department shall revert to the state treasury to the credit of the general revenue fund.

When act to take effect.

SECTION 4. This act shall take effect from and after its constitutional enactment; provided that it shall not operate to affect the compensation of any officer or employe named herein during his existing term, but shall operate during any lawful extension of such existing term.

Repeals, etc.

SECTION 5. That section 1284 of the Revised Statutes of Ohio, as amended April 21, 1904, be and the same is hereby repealed; and all acts or parts of acts the provisions of which are in conflict with the provisions of this act, are, to the extent of such conflict, hereby repealed. Provided that section 1284*a* of the Revised Statutes of Ohio shall be and remain in full force and effect.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
179G

[House Bill No. 634.]

[AN ACT]

To make appropriations for the last three-quarters of the fiscal year ending November 15, 1907, and for the first quarter of the fiscal year ending February 15, 1908.

Be it enacted by the General Assembly of the State of Ohio:

General appropriations for 1907 and 1908.

SECTION 1. That the following sums, for the purposes hereinafter specified, be, and the same are hereby, appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to-wit:

ADJUTANT GENERAL'S DEPARTMENT.

Salary of adjutant general	$2,000 00
Salary of assistant adjutant general	1,500 00
Salary of assistant quartermaster general	1,500 00
Salary of chief clerk	1,400 00
Salaries of seven clerks, at $1,200 each	8,400 00
Salary of superintendent of state arsenal	1,400 00
Salaries of two stenographers, at $720 each	1,440 00
Contingent expenses and inspections	3,000 00
Transportation indigent soldiers	400 00
Furniture and repairs	100 00
For construction and equipment of rooms in the new state building for the state highway department, to be expended under the supervision and control of the adjutant general	3,000 00

STATE HOUSE AND GROUNDS.

Salary of superintendent of laborers	$900 00
Salary of engineer	1,000 00
Salaries of five firemen	4,120 00
Salaries of two visitors' attendants	1,440 00
Salaries of two custodians of flag room	1,440 00
Salaries of two day policemen	1,440 00
Salaries of two night policemen	1,600 00
Salaries of ten regular laborers	6,260 00
For two elevator attendants	1,440 00

General appropriations for 1907 and 1908.

The auditor of state is hereby authorized and directed to transfer all appropriations heretofore made and now available to pay the salaries of said attendants from the supreme court and law library to the 'state house and grounds' appropriation.

Extra laborer and carpenter	2,000 00
Electric current for light and power for state house provided a public lighting plant be not constructed and installed	10,000 00
Care and repair heating apparatus	2,000 00
Fuel for state house	5,000 00
Flags for state house	100 00
Material and repairs	1,500 00

OHIO NATIONAL GUARD.

Transportation, subsistence, pay O. N. G., care military stores and freight and incidental expenses of camp	$175,700 00
Horse hire, forage, fuel, lumber, straw and medical supplies	7,000 00
Incidental expenses military companies	20,000 00
Uniforms, overcoats, blankets and equipments	5,000 00
Tents and repairs	400 00
Repair and improvement state arsenal	2,000 00
Rent of armories	82,800 00

Any unexpended balance of armory rent funds in the hands of any commanding officer shall be turned over to the treasurer of the organization and accounted for by said treasurer as other funds of the organization.

Improvement of state camp grounds	1,000 00
Maintenance of U. S. S. Hawk, steam launches and small boats, at Cleveland	5,000 00
Maintenance U. S. S. Essex, steam launches and small boats, at Toledo	5,000 00

AGRICULTURAL EXPERIMENT STATION.

Expenses board of control	$800 00
Bulletin publication	4,500 00
Special work in entomology, botany, chemistry and horticulture	7,000 00
Substations for field experiments	7,000 00
General repairs and supplies	10,000 00
Special work in animal husbandry	6,000 00
Library equipment and care	400 00
General construction	4,000 00
Forestry investigations	5,000 00
Co-operative experiments	6,500 00

STATE BOARD OF AGRICULTURE.

Encouragement of agriculture	$26,000 00
For the suppression and prevention of diseases among live stock, as provided by law	5,000 00
Ordinary repairs and improvements on state fair grounds	2,000 00
Division of horticulture	1,500 00
Bonds due September 1, 1907	20,000 00
Interest on bonds, due March 1, 1907, and September 1, 1907	5,000 00
For construction of grand stand	50,000 00

OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Expenses of society	$2,700 00
Field work, Fort Ancient and Serpent Mound	2,000 00
Publications	2,800 00
For reprinting volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of the society's annual publications, each member of the seventy-seventh general assembly to be provided with ten copies of each volume, one set each for the accredited representatives of the press (35), all said volumes to be boxed and delivered under the direction and at the expense of the society	9,600 00
For reprinting the report of the Ohio centennial proceeding at Chillicothe, May, 1903, each member of the seventy-seventh general assembly to receive fifty copies	4,000 00

ATTORNEY-GENERALS' DEPARTMENT.

Salary of attorney-general	$1,500 00
Fees on collections	1,500 00
Salary of first assistant attorney-general	3,000 00
Salary of second assistant attorney-general	2,500 00
Salary of chief clerk	1,500 00
Salaries of two stenographers, at $1,200 each	2,400 00
Stenographic work	600 00
Salary of messenger	600 00
Books and furniture	500 00
Contingent expenses	2,500 00
Allowance to pay costs in cases brought by the state	2,000 00
Special counsel	17,500 00

AUDITOR OF STATE.

Salary of auditor of state	$3,000 00
Salary of deputy auditor	3,000 00
Salary of chief clerk	2,400 00
Salary of liquor tax deputy	1,750 00

General appropriations for 1907 and 1908.

Salary of inspector of institutions	2,000 00
Salary of railroad and bank clerk	1,950 00
Salary of bookkeeper	1,950 00
Salary of land clerk	1,500 00
Salaries of two excise clerks	2,850 00
Salary of liquor tax clerk	1,750 00
Salary of canal and trust fund clerk	1,400 00
Salary of statistical clerk	1,350 00
Salary of transcribing clerk	1,350 00
Salary of clerk	1,200 00
Salary of correspondence clerk	800 00
Contingent expenses	3,750 00
Carpets and furniture	200 00
Traveling expenses	1,000 00

STATE BOARD OF APPRAISERS AND ASSESSORS.

Salaries of members, at $1,500 each	$6,000 00
Contingent expenses	1,200 00

STATE BOARD OF ARBITRATION.

For per diem and expenses of members	$4,000 00

BOARD OF STATE CHARITIES.

Salary of secretary	$1,800 00
Salary of clerk	900 00
Salary of stenographer	600 00
Salary of janitor	240 00
Expenses of board	900 00
Expenses of secretary	600 00
Contingent expenses	1,500 00

BOARD OF HEALTH.

Expenses of board	$20,000 00

BOARD OF PARDONS.

Salaries of members	$3,000 00
Salary of secretary	300 00
Expenses of board	800 00

BOARD OF PUBLIC WORKS.

Salaries of members	$2,400 00
Salaries of members as superintendents of canals	4,500 00
Traveling expenses of members	1,800 00
Salaries of two engineers	4,600 00
Salary of secretary	1,500 00
Salary of clerk	700 00
Contingent expenses	1,200 00

For maintenance and repairs of the Miami and Erie canal, all of its earnings and balances.	
For rebuilding the Miami and Erie canal, north of Dayton	50,000 00
For maintenance and repairs of the southern division of the Ohio canal, all of its earnings and balances, and	20,000 00
[For maintenance and repairs of the northern division of the Ohio canal, Cleveland to Dresden, and the Walhonding canal, all of its earnings and balances, and	25,000 00]
Reconstruction northern division Ohio canal, Cleveland to Dresden, balances and receipts, and	150,000 00
Reconstruction of southern division of Miami and Erie canal, Dayton to Cincinnati	156,000 00
To replace second culvert under canal east of Hebron, Ohio	1,000 00

COMMISSIONER OF COMMON SCHOOLS.

Salary of commissioner	$2,000 00
Salary of chief clerk	1,750 00
Salary of statistical clerk	1,500 00
Salary of examination clerk	1,400 00
Salary of correspondence clerk	720 00
Salary of stenographer	720 00
Traveling expenses of commissioner	750 00
Per diem and expenses of state board of examiners	750 00
School book commission	250 00
Boxing and shipping	300 00
Distribution of school laws	100 00
Furniture and carpets	100 00
Contingent expenses	1,400 00
Publication and distribution arbor day annual	500 00

COMMISSIONERS OF PUBLIC PRINTING.

For printing paper	$30,000 00
For printing "Howe's Historical Collections of Ohio"	16,000 00

COMMISSIONER OF RAILROADS AND TELEGRAPHS.

Balances and receipts.	
From such amounts so appropriated the following salaries shall be paid:	
Salary of commissioner	$3,000 00
Salary of chief clerk	2,400 00
Salary of statistical clerk	1,200 00
Salary of chief inspector	1,200 00
Salary of deputy inspector	1,200 00
Salary of stenographer	1,200 00

General appropriations for 1907 and 1908.

RAILROAD COMMISSION.

Salary of three commissioners for one year and six months	$22,500 00
Salary of clerks for one year and six months	8,550 00
Contingent expenses	4,500 00
Traveling expenses	3,000 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Salary of commissioner	$1,800 00
Salaries of two clerks, at $720 each	1,440 00
Salary of recording clerk	300 00
Contingent expenses	750 00
Furniture and repairs	60 00

DAIRY AND FOOD COMMISSIONER.

Salary of commissioner	$3,500 00
Salaries of two assistant commissioners, at $1,000 each	2,000 00
Expenses of commissioner	750 00
Expenses of two assistant commissioners	1,500 00
Salary of chief clerk	1,200 00
Salaries of two clerks	2,100 00
Inspection, analyses and publication	26,000 00
Contingent expenses	2,000 00
Salaries of six deputy inspectors for the collection of the liquor tax under the Cain law, at $1,300 each	7,800 00
Traveling expenses of liquor tax inspectors	5,800 00
Contingent expenses for collection liquor tax	1,000 00
Carpets, furniture and repairs	200 00
Library	100 00

EXAMINER OF STEAM ENGINEERS.

Salary of chief examiner	$1,800 00
Salaries of eight district examiners, at $1,200 each	9,600 00
Salary of clerk	1,000 00
Traveling expenses	7,000 00
Contingent expenses	3,000 00
Office rent in Cleveland and Cincinnati	500 00
Extra clerk hire	720 00

EXECUTIVE DEPARTMENT.

Salary of governor	$8,000 00
Salary of lieutenant governor	1,500 00
Salary of secretary to the governor	800 00
Salary of executive clerk	1,800 00
Salary of commission clerk	1,500 00
Salary of corresponding clerk	1,500 00
Contingent expenses, including newspapers	2,400 00

FISH AND GAME COMMISSION.

Expenses of commission	$11,000 00
Maintaining patrol boats	5,000 00
Authority is hereby given the fish and game commission to sell the fish hatchery at Lakeside, Ottawa County, and land belonging thereto, including so much of the equipment as may be sold advantageously; all sales to be made with the approval of the governor and attorney-general, and the governor is hereby authorized to issue a sufficient deed for the same; the money arising from such sale shall be paid into the state treasury, and is hereby appropriated for the purpose of buildings, betterments and equipment of a fish hatchery at Put-in-Bay island.	
Authority is hereby given to the fish and game commission, with the consent of the governor, to sell the steamer Oliver H. Perry, and that proper instrument of conveyance be executed; and the proceeds of such sale shall be paid into the state treasury, and is hereby appropriated for the purpose of purchasing the necessary patrol boats with power other than steam, and any balances of said proceeds are appropriated for improvement of fish hatchery.	
State fish hatcheries and improvements to same.	2,000 00

BUREAU OF LABOR STATISTICS.

Salary of commissioner	$2,000 00
Traveling expenses of commissioner	700 00
Salary of chief clerk	1,300 00
Salary of stenographer	900 00
Salaries of three clerks, at $720 each	2,160 00
Contingent and traveling expenses	10,000 00
Salaries of five free public employment superintendents, at $1,500 each	7,500 00
Salaries of five clerks for free public employment offices, at $720 each	3,600 00
Furniture, repairs and advertising	250 00

INSPECTOR OF MINES.

Salary of chief inspector	$2,000 00
Salaries of seven district inspectors, at $1,200 each	8,400 00
Traveling expenses of chief inspector	600 00
Traveling expenses of seven district inspectors	4,200 00
Salary of chief clerk	1,200 00
Salary of stenographer	900 00
Contingent expenses	1,400 00
Clerk hire	720 00

General appropriations for 1907 and 1908.

INSPECTOR OF WORKSHOPS AND FACTORIES.

Salary of chief inspector	$2,000 00
Traveling expenses of chief inspector	500 00
Salaries of twelve district and two bakeshop inspectors, at $1,200 each	16,800 00
Salary of high explosive inspector	2,000 00
Traveling expenses of thirteen district and two bakeshop inspectors	7,500 00
Salary of chief clerk	1,800 00
Salary of clerk	1,200 00
Salaries of two stenographers	1,680 00
Contingent expenses	1,400 00
Office rent in Cleveland and Cincinnati	300 00
Carpets, furniture and repairs	100 00

JUDICIARY.

Salaries of judges	$440,000 00
Expenses of common pleas judges	10,000 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

For prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	$120,000 00

DEPARTMENT OF STATE.

Salary of secretary of state	$2,000 00
Salary of state supervisor of elections	1,000 00
Salary of state supervisor and inspector of elections	1,000 00
Salary of chief clerk	2,400 00
Salary of stationery clerk	1,500 00
Salary of statistical clerk	1,500 00
Salary of assistant statistical clerk	1,350 00
Salary of proofreading clerk	1,350 00
Salary of corporation clerk	1,350 00
Salary of assistant corporation clerk	1,350 00
Salary of recording clerk	1,350 00
Salary of assistant recording clerk	1,200 00
Salary of stenographer	1,350 00
Salary of corporation fee clerk	1,350 00
Salary of assistant corporation fee clerk	1,350 00
Salary of corporation stenographer	1,200 00
Salary of superintendent of book room	1,200 00
Salary of mailing clerk	1,200 00
Distribution of books	3,000 00
Contingent expenses	3,500 00
Furniture and repairs	300 00
Stationery	11,000 00

OHIO STATE LIBRARY.

Salary of librarian	$1,500 00
Salary of secretary state board of library commissioners	500 00
Salaries of four library assistants	3,280 00
Salary of assistant librarian	1,200 00
Salary of assistant secretary and stenographer	900 00
Salary of document clerk	960 00
Salary of janitor	900 00
Books and papers	3,500 00
Contingent expenses and extra labor	1,800 00
For traveling library	9,600 00
Expenses of commission	500 00
Carpets, furniture and repairs	500 00

INSURANCE DEPARTMENT.

Salary of superintendent	$3,000 00
Salary of deputy superintendent	2,400 00
Salary of actuary	2,400 00
Salary of examiner	1,800 00
Salary of statistician	1,800 00
Salary of bookkeeper	1,800 00
Salary of correspondence clerk	1,350 00
Salary of first assistant actuary	1,400 00
Salary of second assistant actuary	1,200 00
Salary of assistant examiner	1,200 00
Salary of assistant statistician	1,200 00
Salary of license clerk	1,000 00
Salary of mailing clerk	1,000 00
Salary of janitor	600 00
Contingent expenses	2,200 00
Salaries of extra clerks	1,900 00
Traveling and other expenses of superintendent and employes on official business and at meetings of actuaries and insurance department officials	2,900 00
Furniture, carpets and repairs	200 00

All fees collected by the superintendent of insurance from companies under his supervision shall be turned into the state treasury upon the warrant of the auditor of state.

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Salary of inspector	$1,000 00
Salary of deputy inspector and supervisor of bond investment companies	2,400 00
Salaries of six examiners, at $1,800 each	10,800 00
Salary of statistical clerk	1,350 00
Salary of chief clerk	1,200 00
Salary of clerk	1,200 00
Salaries of extra clerks	800 00

General appropriations for 1907 and 1908.

Salary of mailing clerk	200 00
Salary of janitor	300 00
Traveling expenses of inspector, deputy and examiners	4,520 00
Contingent expenses	1,000 00
Furniture, carpets and repairs	100 00

SUPERVISOR OF PUBLIC PRINTING.

Salary of supervisor	$2,000 00
State printing	30,000 00
State bindery	30,000 00
Contingent expenses	350 00
Machinery	500 00
Furniture and carpets	200 00

SUPREME COURT AND LAW LIBRARY.

Salary of marshal, who shall perform the duties of librarian and cataloguer	$2,500 00
Salary of assistant librarian and accession clerk	1,700 00
Salary of first deputy marshal	1,350 00
Salary of second deputy marshal	1,200 00
Salary of third deputy marshal	1,000 00
Salary of assistant librarian	1,000 00
Salary of first stenographer	1,200 00
Salary of second stenographer	1,000 00
Salaries of two elevator attendants, at $720 each	1,440 00
Salary of messenger	1,000 00
Salaries of three porters, at $720 each	2,160 00
Contingent expenses, furnishings and repairs	3,000 00
Books and legal publications for law library	3,500 00

Provided that moneys appropriated for the supreme court and law library shall be drawn upon a requisition upon the auditor of state approved by the marshal of the supreme court.

COMMISSION TO REVISE AND CONSOLIDATE THE STATUTE LAWS.

Salaries of three commissioners	$15,000 00
Clerk hire, stenographers and incidental expenses	10,000 00

CLERK OF SUPREME COURT.

Salary of clerk	$1,500 00
Salary of first deputy	1,800 00
Salary of second deputy	1,500 00
Salary of record and correspondence clerk	1,200 00
Salary of messenger	700 00
Contingent expenses	800 00

REPORTER OF SUPREME COURT.

Salary of reporter	$1,500 00
Contingent expenses	1,200 00

TREASURER OF STATE.

Salary of treasurer of state	$3,000 00
Salary of cashier	2,400 00
Salaries of two bookkeepers, at $1,800 each	3,600 00
Salaries of two night watchmen	1,800 00
Salary of correspondence clerk	720 00
Contingent expenses	1,700 00
Collecting auditor of state's drafts	900 00
Carpets, furniture and repairs	150 00

BOARD OF DEPOSIT.

Salary of secretary	$1,000 00
Contingent expenses	125 00

STATE HIGHWAY DEPARTMENT.

Salary of commissioner	$2,500 00
Traveling expenses of commissioner	500 00
Salary of assistant highway commissioner	1,500 00
Traveling expenses of assistant highway commissioner	500 00
Salary of chief clerk	1,000 00
Salary of stenographer	800 00
Furniture and carpets	200 00
Contingent expenses and clerk hire	1,000 00
For state aid in road building	150,000 00
To be expended for the construction of roads as set forth in "An act to establish a state highway department by the appointment of a state highway commissioner and assistants, and defining the powers and duties of the office, and to provide for a system of state, county and township co-operation, in the permanent improvement of the public highways," passed April 18, 1904, (O. L., Vol. 97, page 523) and no part of this appropriation to be used to pay any salaries or expenses of officers.	

LEGISLATURE.

Expenses of legislative committees	$1,000 00
For the clerks of the senate and house of representatives twenty-five hundred dollars ($2,500.00) each, which may be paid to them in semi-monthly installments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensation or allowances provided for in sections 41 and 43 of the Revised Statutes	5,000 00
For the payment of the sergeant-at-arms of the house	500 00

General appropriations for 1907 and 1908.

For the payment of the sergeant-at-arms of the senate	500 00
To be paid said sergeants-at-arms on approval of the auditor of state, in four equal monthly installments, beginning February 15, 1907.	
Contingent expenses of the house	2,000 00
Contingent expense of senate clerk	350 00
Contingent expense of house clerk	350 00
Contingent expense for care of both houses	2,500 00
For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house, offices of the clerks of the house and senate, and committee rooms, during the year 1907, and for taking care of the bill books and other property of the members, as requested by them, eighteen hundred dollars ($1,800.00), to be paid to him in semi-monthly installments on the warrant of the auditor of state. For employment of laborers by the said Frederick Blankner in the performance of the foregoing duties, at the rate of two dollars ($2.00) per day, when by him necessarily employed, one thousand dollars ($1,000.00), to be paid to said laborers on the warrant of the auditor of state; twenty-eight hundred dollars	2,800 00
Contingent fund of the senate for the use of select investigating committee	25,000 00
It is hereby provided, that the auditor of state be and is hereby authorized to make draft on the treasurer of Hamilton county, for the amount of expenses incurred by the said committee and paid from the appropriation herein and heretofore made, and the county treasurer is hereby directed and required to pay such draft or drafts from the general expense fund of the county. Provided that nothing in this paragraph contained shall in any wise effect or invalidate any appropriation heretofore or herein made in regard to the select investigating committee of the senate.	
For the construction, equipment and furnishing of rooms for the lieutenant governor and speaker of the house	10,000 00
To be expended under the direction of the lieutenant governor and the speaker of the house.	
For furniture and repairs of the senate chamber, to be expended under the direction of the lieutenant governor, Hon. Benjamin F. Gayman, Hon. Isaac E. Huffman, Hon. Thos. E. Kinsman, Hon. Milton E. Rathburn and the sergeant-at-arms, B. S. Bartlow	5,000 00

General appropriations for 1907 and 1908.

OHIO PENITENTIARY.

Current expenses	$160,000 00
Salaries of managers	5,000 00
Salaries of officers	33,160 00
Salaries of guards	90,000 00
Manufacture of gas, electricity and improvement of lights	6,340 00
Rewards to discharged convicts	10,000 00
Ordinary repairs and improvements	15,000 00
Expenses of execution	1,000 00
Religious services and library and burial of convicts	1,000 00
Sewerage and waterworks	1,500 00
Furniture and carpets	500 00

OHIO STATE REFORMATORY.

Current expenses	$80,000 00
Salaries of managers	3,000 00
Salaries of officers	25,000 00
Salaries of guards	40,000 00
Rewards outgoing prisoners	5,000 00
Ordinary repairs and improvements	8,000 00
Construction of cells	20,000 00
Furniture and carpets	500 00
Construction of cold storage plant and store building combined	7,500 00
Construction of greenhouse	1,500 00

BOYS' INDUSTRIAL SCHOOL.

Current expenses	$100,000 00
Salaries of officers and teachers and trustees' expenses	30,000 00
Ordinary repairs and improvements	10,000 00
Rewards	1,000 00
Furniture and carpets	1,000 00
Extension of steam heating and electric lines	2,000 00
New cottage	20,000 00

GIRLS' INDUSTRIAL HOME.

Current expenses	$35,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	18,000 00
Ordinary repairs and improvements	10,000 00
Furniture and carpets	1,000 00
Toilet and bathrooms	1,000 00
Extended industrial training	500 00
Rebuilding and furnishing cottage No. 2	4,000 00
Sewage disposal plant	15,000 00

General appropriations for 1907 and 1908.

ATHENS STATE HOSPITAL.

Current expenses	$155,000 00
Salaries of officers and trustees' expenses	9,000 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,500 00
Paving and grading roads and walks	1,000 00
Cottage with infirm and hospital wards and equipment	25,000 00

CLEVELAND STATE HOSPITAL.

Current expenses	$180,000 00
Salaries of officers and trustees' expenses	10,200 00
Ordinary repairs and improvements	15,000 00
Furniture and carpets	2,500 00
Industrial building	10,000 00
Steam pump	1,000 00
Balconies to wards	2,000 00
Roadway for hospital	4,800 00
Bath rooms	4,000 00

COLUMBUS STATE HOSPITAL.

Current expenses	$215,000 00
Salaries of officers and trustees' expenses	11,500 00
Ordinary repairs and improvements	25,000 00
Furniture and carpets	2,500 00
Converting barn into cottage and building new barn and farm buildings and furnishings [36,000 00]	3,600 00
Cement floors in basement, repairing amusement hall and chapel, and new tile floors	10,000 00
New telephone system	1,500 00
Cottage for nurses	30,000 00

DAYTON STATE HOSPITAL.

Current expenses	$140,000 00
Salaries of officers and trustees' expenses	9,500 00
Ordinary repairs and improvements	15,000 00
Carpets, furniture, beds and bedding	2,500 00

LONGVIEW HOSPITAL, CARTHAGE, OHIO.

Current expenses	$185,000 00

MASSILLON STATE HOSPITAL.

Current expenses	$175,000 00
Salaries of officers and trustees' expenses	11,500 00
Ordinary repairs and improvements	10,000 00
Grading and cement walks	1,500 00
Furniture and carpets	1,500 00
Pipe, pipe covering, electric wiring and fixtures	2,000 00
Extension of sewage plant	8,000 00
Telephone system	2,000 00

OHIO STATE SANATORIUM.

For construction of buildings	$100,000 00

TOLEDO STATE HOSPITAL.

Current expenses	$215,000 00
Salaries of officers and trustees' expenses	10,900 00
Ordinary repairs and improvements	20,000 00
Carpets and furniture	4,000 00
Porches for cottages and wards	3,000 00
Fans and motors	1,750 00
Remodeling cottages	4,500 00
Fire department building and equipment	5,000 00
Repairing and enlarging industrial building	5,000 00

STATE SCHOOL FOR THE BLIND.

Current expenses	$58,000 00
Salaries of officers and teachers and trustees' expenses	21,000 00
Ordinary repairs and improvements	10,000 00
Pianos and school apparatus	2,000 00
Furniture and carpets	4,000 00
Oculist and oculist's supplies	850 00
Industrial department	5,000 00
Elevator and floors	6,000 00
For installing pipes and radiation to provide for central station hot water heating of the Ohio institution for the blind	15,000 00
To be expended under the direction of the governor, auditor of state and attorney-general, after careful investigation as to the cost of maintenance and advisability of making such improvement.	

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

Current expenses	$71,000 00
Salaries of officers and teachers and trustees' expenses	42,000 00
Ordinary repairs and improvements	10,000 00
Foremen, supplies and industrial pursuits	6,500 00
Lumber and nails for boxes	1,350 00
Furniture and carpets	800 00
For installing pipes and radiation to provide for central station hot water heating of the Ohio institution for deaf and dumb	$30,000 00
To be expended under the direction of the governor, auditor of state and attorney-general, after careful investigation as to the cost of maintenance and advisability of making such improvement.	

General appropriations for 1907 and 1908.

INSTITUTION FOR THE FEEBLE-MINDED YOUTH.

Current expenses	$150,000 00
Salaries of officers and teachers and trustees' expenses	19,500 00
Ordinary repairs and improvements	40,000 00
Furniture and carpets	2,500 00

SOLDIERS' AND SAILORS' HOME.

Current expenses and clothing, balances, amount received from general government, and	$70,000 00
Salaries of officers and trustees' expenses	11,000 00
Ordinary repairs and improvements	10,000 00
Furniture, carpets, beds and bedding	1,200 00
Grading roadways and grounds	500 00

SOLDIERS' AND SAILORS' ORPHANS' HOME.

Current expenses	$120,000 00
Salaries of officers and teachers, and trustees' and lady board of visitors' expenses	33,320 00
Ordinary repairs and improvements	10,000 00
Salaries of foremen and instructors	12,500 00
Net earnings	2,000 00
For industrial pursuits	11,000 00
Support of orphans outside	3,500 00
Religious services, amusements, library and pictures	1,500 00
Furniture and carpets	2,000 00

HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, WIDOWS, MOTHERS AND ARMY NURSES.

For maintenance	$12,500 00
Ordinary repairs and improvements	1,500 00

OHIO HOSPITAL FOR EPILEPTICS.

Current expenses	$180,000 00
Salaries of officers and trustees' expenses	10,500 00
Ordinary repairs and improvements	12,000 00
Furniture and carpets	2,500 00
Road construction and drainage	2,500 00
Enlarging laundry and bakery	3,000 00

MISCELLANEOUS.

Pension for Mrs. J. P. Brush	$96 00
There is hereby appropriated the sum of five thousand, one hundred and fifty dollars ($5,150.00), and balances and receipts, the same to be expended as provided in an act passed April 12, 1889, entitled "An act to provide for the extension of the geological survey of the state,"	5,150 00

For co-operation with United States geological survey, in the preparation and completion of a contour topographic survey and map of this state, the sum of twenty-five thousand dollars 25,000 00

To be paid upon vouchers approved by the governor, and the governor is hereby authorized to see that such work is carried on as heretofore arranged with the representatives of the United States geological survey, and he may accept or reject the work executed by the United States geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation out of this appropriation.

For purchase of site and construction of memorial at Fort Meigs, ... 25,000 00

Provided that the disbursements of said sum shall be in accordance with S. J. R. No. 27 of the 76th general assembly.

For construction and equipment of two rooms each for the commissioner of common schools and the adjutant general 6,500 00

To be expended under the control and supervision of the commissioner of common schools and the adjutant general.

FEE COMMISSION.

For compensation and expenses of members ($250.00 per year each, for two years),... $1,500 00

MIAMI UNIVERSITY.

For the erection and equipment of a college auditorium $65,000 00

OHIO STATE UNIVERSITY.

For buildings for college of agriculture..... $50,000 00
For construction of engineering buildings 75,000 00

OHIO UNIVERSITY.

Ewing hall bonds $5,000 00
One year's interest on $35,000 Ewing hall bonds 1,750 00
Central heating plant 22,500 00
Remodeling east and west wings 15,000 00
For erection and equipment north wing of normal college building $25,000 00

General appropriations for 1907 and 1908.

THE COMBINED NORMAL AND INDUSTRIAL DEPARTMENT OF WILBERFORCE UNIVERSITY.

Current expenses	$4,000 00
Electric generator for arc lighting	600 00
Machine shop	2,500 00
Plumbing and tailoring departments	3,000 00
Purchase of district schoolhouse and improvement of same	4,000 00
For expense of Ohio penitentiary commission, for the purpose of locating a new institution under senate resolution, to be paid upon approval of the governor	3,000 00

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for current expenses of benevolent, penal or educational institutions. No expenses of officers of any benevolent, penal or educational institution for attending any state, interstate or national association or conference shall be paid from the appropriations of such benevolent, penal or educational institution, unless the authority to attend such association or conference is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expenses for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institutions. No money herein appropriated shall be drawn except upon a requisition upon the auditor of state, approved by the head of each department, or the trustees of the institution, which shall set forth in itemized form the service rendered, or material furnished, or expenses incurred, and the date of purchase, and the time of service; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state a monthly itemized account of all such receipts and expenditures, as may be required by such auditor of state; and such institutions, boards, commissions and departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of

any clerk or clerks while drawing salaries from the state shall be allowed from any amount herein appropriated.

General appropriations for 1907 and 1908.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

180G

LOCAL LAWS.

[House Bill No. 29.]

AN ACT

To repeal an act entitled, "An act authorizing the trustees of Clay township, Montgomery county, Ohio, to place "Parish cemetery" in said township under the care and control of a board of trustees," passed March 2, 1898. (O. L., 93, page 437.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That an act entitled "An act authorizing the trustees of Clay township, Montgomery county, to place "Parish cemetery" in said township under the care and control of a board of trustees," passed March 2, 1898 (O. L., 93, page 437), be and the same is hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed February 8, 1906.
Approved February 9, 1906.

JOHN M. PATTISON,
Governor.

[Senate Bill No. 72.]

AN ACT

To amend section 1 of the act of May 21, 1894 (91 V. 844), entitled "An act to establish a court of insolvency in counties containing a city of [the] first grade of the first class, and for the relief of the probate court in such counties," and also section 2 of such act as amended April 21, 1896, (92 V. 586.)

[HAMILTON COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1 of the act of May 21, 1894 (91 V. 844), entitled "An act to establish a court of insolvency in counties containing a city of the first grade of the first class, and for the relief of the probate court in such counties," and also section 2 of such act as amended April 21, 1896 (92 V. 586), are so amended as to read as follows:

Sec. 1. There shall be established in Hamilton county a court of record which shall be styled "The court of insolvency." It shall consist of one judge who shall be elected by the electors of such county on the first Tuesday after the first Monday in November, A. D. 1910, and in every fourth year thereafter, for a term of four years commencing on the first day of January next after his election.

Sec. 2. In case the office of any such judge shall become vacant before the expiration of the regular term for which he was elected, the governor shall fill the vacancy by appointment until a successor is elected and qualified, and such successor shall be chosen for the remainder of the term on the first Tuesday after the first Monday in November that occurs in an

even numbered year more than thirty days next after such vacancy shall have happened.

SECTION 2. The existing term of office of the judge of the court of insolvency for Hamilton county shall terminate with the 31st day of December, 1910.

SECTION 3. That sections 1 and 2 of the above recited act are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed February 13, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.

2L

[Senate Bill No. 61.]

AN ACT

To amend sections 1 and 2 of the act of March 11, 1896, (92 V. 475), entitled "An act to establish a court of insolvency in counties containing a city of the second grade of the first class, and for the relief of the probate court in such counties."

[CUYAHOGA COUNTY.]

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1 and 2 of the act of March 11, 1896 (92 V. 475), entitled "An act to establish a court of insolvency in counties containing a city of the second grade of the first class, and for the relief of the probate court in such counties," are so amended as to read as follows:

Sec. 1. There is hereby established in Cuyahoga county a court of record which shall be styled "The court of insolvency." It shall consist of one judge who shall be elected by the electors of such county on the first Tuesday after the first Monday in November, A. D. 1906, and in every fourth year thereafter, for a term of four years commencing on the first day of January next after his election.

Sec. 2. In case the office of any such judge shall become vacant before the expiration of the regular term for which he was elected, the governor shall fill the vacancy by appointment until a successor is elected and qualified, and such successor shall be chosen for the remainder of the term on the first Tuesday after the first Monday in November that occurs in an even numbered year more than thirty days next after such vacancy shall have happened.

SECTION 2. That sections 1 and 2 of the above recited act are hereby repealed.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed February 13, 1906.
Approved February 22, 1906.

JOHN M. PATTISON,
Governor.

3L

[House Bill No. 526.]

AN ACT

To supplement section 8 of an act entitled, "An act to establish a criminal court in the city of Youngstown, Mahoning county, Ohio," passed April 23, 1904 (97 O. L. 623), relative to the extention of the term and the election of said judge.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 8 of an act entitled, "An act to establish a criminal court in the city of Youngstown, Mahoning county, Ohio," passed April 23, 1904, be supplemented by added section 8*a*.

Sec. 8*a*. The present term of office of said judge shall be, and the same is hereby extended one year, and his successor shall be elected by the electors of such city at the regular election for municipal officers in the year 1909, and every four years thereafter, for a term of four years, commencing on the first day of January next after his election.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed March 28, 1906.

This bill was presented to the governor, March 29, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state April 11, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
4L

[Senate Bill No. 128.]

AN ACT

Authorizing Hamilton county to pay to the estates of George Zimmerman and Russell Blair, who were killed by an accident in the court house of said county, each an amount to be determined by the county commissioners, not exceeding seventy-five hundred dollars.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the county commissioners of Hamilton county, Ohio, are hereby authorized and empowered to allow and order paid to the legal representative of George Zimmerman, deceased, and to the legal representative of Russell Blair, deceased, out of the general county fund of Hamilton county, Ohio, not otherwise appropriated, not to exceed the sum of seven thousand and five hundred dollars each for the benefit of the estates of the said George Zimmerman and Russell Blair, deceased, who lost their lives while in the discharge of their official duties as clerks of the county commissioners of Hamilton county, on October 4, 1905, by an explosion of artificial gas which wrecked a portion of the court house of said county; and upon such allowance by the commissioners of said county the auditor

of said county of Hamilton is authorized and directed to draw his warrant on the treasury of said county for the respective amounts so allowed and the treasurer of Hamilton county is authorized and directed to pay the same.

SECTION 2. The acceptance by the legal representatives of said George Zimmerman and Russell Blair, deceased, of the amount so allowed by said commissioners, shall be in full acquittance and discharge of all liability, if any there be, of the county of Hamilton, by reason of said accident.,

SECTION 3. This act shall take effect and be in force from and after its passage.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
5L

[Senate Bill No. 200.]

AN ACT

Supplementary to an act entitled, "An act supplementary to an act entitled, 'An act supplementary to an act entitled, 'An act authorizing the trustees of Newark township, Licking county, Ohio, to levy tax for the purpose of erecting a soldiers' memorial building,'" passed April 9, 1891, passed April 19, 1894, passed February 5, 1896.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the treasurer of the board of trustees of the soldiers' memorial building of Newark township, Licking county, Ohio, be authorized and required, upon the order of said board of trustees by the president and secretary thereof, to pay to the treasurer of Newark township, Licking county, Ohio, on or before the second Monday of April annually, all money and funds, which may at that time be in his hands as such treasurer, except so much thereof as may, in the opinion of said board of trustees, be necessary for repairs to said soldiers' memorial building during the year next ensuing said second Monday of April.

SECTION 2. The said township treasurer of Newark township, Licking county, Ohio, shall, upon the order of the board of township trustees of said township attested by the president thereof and the township clerk of said township, pay out the money and funds coming into his hands by virtue of the provisions of section 1 of this act in cancelling the "soldiers' memorial building bonds," provided for in section 1 of the original act to which this act is supplementary and in paying the interest on the same, as said bonds and interest shall become due and payable.

SECTION 3. The said township trustees shall whenever the money and funds arising from the provisions of section 1 of this act shall be insufficient to pay the said soldiers' memorial building bonds and the interest on the same as said bonds and interest become due, and only in that event levy a tax to pay the principal and interest of said bonds, or so much thereof as has not been paid out of the funds arising by virtue of the provisions of section 1 of this act, on all taxable property of said township including the city of Newark, as provided for in section 1 of the original act to which this act is supplementary.

SECTION 4. The provisions of the original act to which this act is supplementary and of the other act supplementary to said original act in so far as their provisions are inconsistent with this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor
6L

[House Bill No. 271.]

AN ACT

To authorize the board of education of Stokes township, Madison county, Ohio, to pay Goldie Crabbe as teacher.

Whereas, For one year prior to February 6, 1905, Goldie Crabbe taught the school in subdistrict No. 6 in Stokes township, Madison county, Ohio, giving full satisfaction to the board of education of said township, and the patrons of said school, the said Goldie Crabbe, during said time holding a legal certificate to teach, and

Whereas, The said Goldie Crabbe not holding a certificate after February 6, 1905, but having been hired by said board for the year 1904 and 1905 at a salary of $45.00 per month continued to teach said school, at the request of said board, from February 6, 1905, until May 12, 1905, and received no compensation as such teacher for seventy days; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the board of education of Stokes township, Madison county, Ohio, be and they are hereby authorized and directed to pay to the said Goldie Crabbe out of any funds under their control and not otherwise appropriated, the sum of $157.50, being the amount of her salary for seventy days, at $45.00 per month, to-wit: Beginning February 6, 1905, and ending May 12, 1905.

SECTION 2. Upon the order of the board of education of said township, the clerk of said board is hereby authorized and directed to issue his warrant, and the treasurer of said board is hereby authorized and directed to pay said warrant in favor of said Goldie Crabbe, out of any funds under the control of said board of education of said township and not otherwise appropriated.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.
7L

[House Bill No. 571.]

AN ACT

Authorizing the Licking county agricultural society to sell a portion of its land.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the Licking county agricultural society, a corporation existing under the provision 3700, Revised Statutes of Ohio, being the owner of seventy-two acres of land more or less in the township of Newark, county of Licking and state of Ohio, said property being used for the purpose of holding annual fairs; that said society be and it is hereby authorized and empowered to sell and convey on such terms as it may deem proper, by deed or deeds of general warranty, a strip off the northeast corner of said grounds, being all that part thereof which lies east of the center of the track of the Newark & Granville Street Railway Company, and being all that part of said agricultural grounds lying east of the center of Williams street, if extended, said strip of ground being entirely cut off from the remainder of said agricultural grounds by said street and said street railway company track, said strip being of no value or use to said society as grounds for holding fairs, on account of being cut off from the remainder of said grounds by said railway and said public street if extended; said strip of ground containing about one acre. Said deed or deeds shall be executed by the president of said agricultural society.

SECTION 2. The money arising from the sale of said land or any part thereof shall be applied and used only for the purpose of paying off or reducing the existing mortgage indebtedness of the said society on said grounds, improving the buildings thereon, or purchasing another or additional site for said association. Said money shall be paid by the purchaser or purchasers of said land to the treasurer of said county of Licking, who shall pay it only upon certificate of the president and secretary of said society, and the same is to be used for the purpose or purposes above mentioned.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Passed April 2, 1906.

This bill was presented to the governor, April 3, 1906, and was not signed or returned to the house wherein it originated within ten days after being so presented, exclusive of Sundays and the day said bill was presented, and was filed in the office of the secretary of state, April 16, 1906.

LEWIS B. HOUCK,
Secretary to the Governor.

8L

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Proposing that a committee of three be appointed on the part of the two houses to wait upon the governor.

Be it resolved by the General Assembly of the State of Ohio: That a committee of three on the part of the senate and seven on the part of the house be appointed to wait upon the governor and inform him that the general assembly is now in session and ready to receive any communication which he may see fit to transmit.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

1

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Proposing that a committee of the two houses be appointed to make arrangements for the inauguaration of the governor-elect.

Be it resolved by the General Assembly of the State of Ohio: That a committee of five on the part of the senate, and five on the part of the house be appointed to make the necessary arrangements for the inauguration of the governor-elect on Monday, January 8, 1906.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

2

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Proposing that the two houses meet in joint session on Tuesday, January 2.

Be it resolved by the General Assembly of the State of Ohio: That the two houses of the general assembly meet in joint convention, in accordance with the provisions of the constitution and the statutes, on Tuesday, January 2, 1906, at 11 o'clock A. M., in the hall of the house of representatives, to witness the opening, publishing and declaring the results of the returns of the votes, cast for governor and other state officers at the election held on the first Tuesday after the first Monday in November, 1905.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

3

[Senate Joint Resolution No. 4.]

JOINT RESOLUTION

Proposing a committee to report on joint rules for the government of the two houses.

Be it resolved by the General Assembly of the State of Ohio: That a joint committee of three on the part of the senate and five on the part of the house be appointed to propose and report joint rules for the government of the two houses.

C. A. THOMPSON,
Speaker of the House of Representatives.

A. L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

4

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Proposing to adjourn until January 8th, 1906.

Be it resolved by the General Assembly of the State of Ohio: That when the general assembly adjourns on Tuesday, January 2nd, 1906, it be to meet on Monday, January 8th, 1906, at 9 A. M.

C. A. THOMPSON,
Speaker of the House of Representatives.

A. L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

5

[House Joint Resolution No. 4.]

JOINT RESOLUTION

Relative to adjournment on Fridays.

Be it resolved by the General Assembly of the State of Ohio: That when the senate and house of representatives adjourn on Fridays, it be to 5 o'clock P. M. on Mondays following.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 17, 1906.

6

[House Joint Resolution No. 12]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of H. B. No. 11.

Be it resolved by the General Assembly of the State of Ohio: That one thousand additional copies of house bill No. 11 be ordered printed for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

A. L. HARRIS,
President of the Senate.

Adopted January 29, 1906.

7

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to extending an invitation to Governor Cameron, et al. to address a joint session of the general assembly.

WHEREAS, There will be held a national and international celebration on the waters of Hampton Roads, Virginia, next year, commemorating the 300th anniversary of the first permanent English settlement on the American continent at Jamestown, Va., and

WHEREAS, The state of Virginia has invited the sister states of the union to participate in said celebration, and

WHEREAS, Ex-governor Wm. E. Cameron, commissioner general, and Hon. John Whitehead, commissioner to Ohio, are in the city for the purpose of extending to the state of Ohio said invitation in the name of the commonwealth of Virginia,

Be it resolved by the General Assembly of the State of Ohio: That Governor Cameron and Mr. Whitehead be invited to address a joint session of the general assembly in the hall of the house, Wednesday, January 24th, at 3 o'clock, P. M.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted January 29, 1906.

8

[House Joint Resolution No. 7.]

JOINT RESOLUTION

Relative to national aid for public highways.

Be it resolved by the General Assembly of the State of Ohio: That we by this resolution indicate our approval of H. B. No. 4508 and S. B. No. 2539 which were pending before the second session of the fifty-eighth national congress of the United States by Hon. W. P. Brownlow, and Hon. J. H. Gallinger respectively which related to the permanent improvement of the public highways and providing for national aid therefor.

Be it further resolved That we request our United States senators Foraker and Dick and the Ohio delegation in the national house of representatives to secure the enactment at the present session of the United States congress of legislation providing for national aid in the construction of public highways and that a suitable appropriation is made by the United States government to assist the states in the construction of public highways in accordance with the principle of national aid in the construction of public highways as generally set out in the above indicated bills and that copies of this joint resolution be sent by the secretary of state to the senators and representatives from Ohio in the United States congress.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 1, 1906

9

[House Joint Resolution No. 2.]

JOINT RESOLUTION

In the matter of joint rules to govern the 77th general assembly of Ohio.

Be it resolved by the General Assembly of the State of Ohio: That the following joint rules shall govern the joint action of the senate and house of representatives of the 77th general assembly:

JOINT RULES OF THE 77TH GENERAL ASSEMBLY OF OHIO.

RULE 1. Whenever the two branches of the general assembly shall convene for any purpose required by the constitution or laws of the state, such convention shall be held in the hall of the house of representatives unless otherwise ordered by a joint resolution of the two branches. During all such conventions each branch shall be held to be in session as a separate branch of the general assembly and be governed by its own rules; and except in voting at elections, where each member is entitled to a separate vote, shall act as such, and no question shall be considered as carried otherwise than by the concurrent action of both branches; provided, that either branch may, by a vote of a majority of all its members, dissolve such convention by withdrawing therefrom; and such convention may, by the concurrent vote of the two branches, take a recess, or adjourn to a time certain; but such recess or adjournment of the convention shall not be held to be an adjournment or recess of either branch, nor to prevent either from proceeding with its usual business during such recess or adjournment of the convention.

RULE 2. In all elections in joint session, a majority of the votes cast shall be necessary to a choice.

RULE 3. All bills introduced in either house shall be legibly written, typewritten, or printed, and shall bear the name of the author and must in all respects as to form comply with the laws and the rules of the general assembly.

RULE 4. All bills shall have noted in their titles a distinct reference to the subject or matter to which they relate, and also if they propose the amendment or repeal of any law, to the section proposed to be amended or repealed.

RULE 5. In all bills introduced which seek to amend existing statutes any new matter contained therein shall be underscored by the author, and when printed the matter so underscored shall be printed in italics; and when amendment is sought by the omission or elimination of matter in an existing law the author shall indicate such omission or elimination by asterisks and the printer shall follow such indicated marks in copy. No bill shall be sent to the printer by the clerk which does not conform to these requirements.

RULE 6. When a bill or joint resolution has been passed or adopted in either house, notice shall be forthwith given the other house.

RULE 7. When a bill or joint resolution which shall have been passed in one house is rejected or lost in the other, or postponed indefinitely, notice thereof shall be given to the other house.

RULE 8. When a bill or joint resolution which has passed one house and been amended, passed and returned by the other the question shall be upon concurrence in the amendment or amendments, and the same number of votes shall be required to concur as was required to pass the

bill or resolution in the house in which it originated.

RULE 9. If one house refuses to concur in the amendment, notice shall be forthwith sent to the other house where the proceedings will be in the following order:

First, To insist upon its amendment and ask for a committee of conference.

Second, To recede from its amendment, which has the effect of passing the bill in the form in which it passed the house in which it originated.

Third, To adhere to its amendment, which precludes a committee of conference.

COMMITTEE OF CONFERENCE.

RULE 10. All committees of conference shall consist of three on the part of the senate, and three on the part of the house, unless otherwise specially ordered by both houses.

RULE 11. Whenever any committee of conference of the two houses shall disagree, other committees may be appointed; and if either of the two houses shall disagree to any report of a committee of conference, such house shall forthwith notify the other of such disagreement, and request another committee of conference; and thereupon another committee shall be appointed.

RULE 12. A committee of conference appointed to consider matters of difference between the two houses upon any bill or resolution, may consider and include in its report any amendments pertinent to the bill or joint resolution whether or not the form or substance of such amendments relate exclusively to the original matter of difference, or the committee may offer a substitute for said bill or resolution.

RULE 13. The report of a conference committee is always in order except during a roll call or division, and can not be laid on the table, referred to a committee or indefinitely postponed, and must be voted upon as a whole.

RULE 14. All messages sent from one house to the other shall be carried by an officer or employe of said house who shall give a receipt for the same to the message clerk from whom he receives the message. He shall deliver the message without delay to the clerk of the house to which it is sent and take a receipt therefor from the clerk of said house or some of his assistants authorized by him to receipt for messages. The receiving clerk shall deliver such message to the presiding officer of the body, who shall in the proper order of business and within a reasonable time lay such message before the house.

RULE 15. All bills and resolutions, before they are passed or adopted by either house, shall be carefully engrossed in plain handwriting, in printing or in typewriting, and the engrossed copy carefully compared with the original bill and the journal showing the amendments agreed to.

RULE 16. When any bill shall have passed one house, and shall be amended in the other, the amendments shall be engrossed upon a separate piece of paper, and the bill, as amended, shall be fully engrossed, and both returned, with the engrossed bill received from the other house, to the house in which it originated. In such engrossments, sections of bills and joint resolutions amended shall be engrossed in a plain engrossing handwriting, in printing or typewriting. Whenever a bill shall be passed in one house and sent to the other and a substitute therefor is agreed to by such house, in the communication between the houses such substitute

shall be designated and treated as an amendment to the original bill, and the message relating thereto shall definitely show, as in case of other amendments, how the original bill is amended.

RULE 17. A bill or joint resolution which has passed or been adopted by both houses shall be carefully enrolled in plain, legible penmanship or in printing or typewriting, and shall then be examined by a joint committee of five members from each house, to be appointed a standing committee for that purpose, whose duty it shall be to compare the enrolled with the engrossed bill or joint resolution passed by the two houses, and collect [correct] any clerical errors which may be discovered and report forthwith to their respective houses, the report to be signed by a majority of the joint committee.

RULE 18. No bill shall be subject to amendment, commitment, or other action of either house after the enrolling committee shall have reported to either house the same to be correctly enrolled; provided, however, that this rule shall not apply to proceedings upon bills, returned to the general assembly.

RULE 19. Each bill and joint resolution shall be first signed by the speaker of the house of representatives, and then by the president of the senate, who shall fix the date and hour thereto, and be by him delivered to the clerk of the senate, who shall immediately transmit each bill so passed to the governor of Ohio, taking a receipt therefor, and each joint resolution to the secretary of state, taking a receipt therefor. When any bill shall have been disapproved by the governor and subsequently enacted into a law over such veto, in accordance with the provisions of the constitution, the enrolled copy shall be endorsed with the record of the proceedings in each house subsequent to the vote, attested by the speaker of the house and president of the senate, and shall be by the clerk of the senate transmitted to the secretary of state, who shall cause a receipt to be given therefor.

RULE 20. When a bill or joint resolution shall have passed either house, and been sent to the other for concurrence, such bill or joint resolution shall take precedence on the calendar of all bills, joint resolutions or resolutions not yet passed or adopted by the house in which they originated; provided, that such bills or joint resolutions shall not take precedence of other bills or joint resolutions which may have been carried over from an unfinished calendar.

RULE 21. Any bill on the calendar for third reading informally passed, and which was not subsequently called up for consideration shall be placed in its order at the head of the calendar of bills for third reading on the succeeding day.

RULE 22. The chairman of each committee of the senate and house of representatives shall, at some time before the final consideration of any bill referred to this committee, if objection thereto be made or material amendment offered in committee, give verbal or written notice to the author of the bill, fixing a time when he may be heard by the committee.

RULE 23. The yeas and nays shall be called in each house on the adoption of all joint resolutions and upon concurrence in amendments made by one to a bill or resolution originating in the other, and upon the adoption of the reports of conference committees.

RULE 24. The clerks of the senate and house of representatives shall cause a calendar for each branch of the general assembly to be printed and placed upon the desk of each senator and representative before the open-

ing of each daily session, showing for the day bills for second reading, the bills for third reading, and the special orders of the day.

RULE 25. The calendar may also show such other information relating to the business of the houses as the chair or the clerk may desire to bring to the attention of the members.

RULE 26. When a message shall be transmitted to the general assembly by the governor expressing his disapproval of any bill, section, or item of a bill which has been passed by the general assembly, the question shall be presented in each house as follows: "Shall the bill (section or item, as the case may be) be passed notwithstanding the objections of the governor?"

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 1, 1906.

10

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to printing 1,000 extra copies of H. B. No. 12.

Be it resolved by the General Assembly of the State of Ohio: That 1,000 extra copies of H. B. No. 12 be printed for the use of the members of the senate and house.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 1, 1906.

11

[House Joint Resolution No. 18.]

JOINT RESOLUTION

Relative to printing 1,000 extra copies of H. B. No. 78.

Be it resolved by the General Assembly of the State of Ohio: That there be printed one thousand (1,000) extra copies of H. B. No. 78 for the use of members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 1, 1906.

12

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to printing 500 extra copies of H. B. No. 89.

Be it resolved by the General Assembly of the State of Ohio: That five hundred copies of H. B. No. 89 be printed for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 1, 1906.

13

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Providing for the appointment of a joint committee on public printing.

Be it resolved by the General Assembly of the State of Ohio: That the committee on public printing of the senate and house of representatives, investigate and report to this general assembly at the earliest practicable time, the advisability of publishing daily the important portions of the journals of the senate and house of representatives, together with the cost thereof and the text of any legislation that may be necessary to carry such work into effect.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 2, 1906.

14

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Relative to printing 1,000 extra copies of H. B. No. 138.

Be it resolved by the General Assembly of the State of Ohio: That one thousand extra copies of house bill No. 138 be printed for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 2, 1906.

15

[House Joint Resolution No. 26.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of H. B. No. 173.

Be it resolved by the General Assembly of the State of Ohio: That 1,000 additional copies of H. B. No. 173 be printed for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 2, 1906.

16

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

Relative to printing 1,000 additional copies of senate bill No. 62.

Be it resolved by the General Assembly of the State of Ohio: That 1,000 additional copies of senate bill No. 62 be printed for the use of its members.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

17

[Senate Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to adjournment to Monday, January 29th, 1906.

Be it resolved by the General Assembly of the State of Ohio: That when the general assembly adjourns on Thursday, January 25th, it be until Monday, January 29th, at 5 P. M.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

18

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to the birthday anniversary of William McKinley.

WHEREAS, The twenty-ninth day of January, marks the recurrence of the birthday of William McKinley, beloved president of the United States; and

WHEREAS, An anniversary service held in his memory would serve to inspire something of the spirit of patriotism which characterized the life and acts of Ohio's distinguished son; therefore,

Be it resolved by the General Assembly of the State of Ohio: That a committee of four on the part of the senate and four on the part of the house be appointed by the presiding officers of these bodies to arrange for a suitable memorial service to be held in the hall of the house of representatives on the evening of the day that commemorates his birth.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

19

[Senate Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to the distribution of Howe's Historial Collections of Ohio among the members of the 77th general assembly.

WHEREAS, The 76th general assembly, by joint resolution duly adopted, ordered the printing of a certain number of Howe's Historical Collections of Ohio; and

WHEREAS, There is a surplus of said Howe's Historical Collections now in the hands of the secretary of state; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the general assembly of Ohio hereby authorize and direct the secretary of state to distribute among the members of the 77th general assembly, including the lieutenant governor, eight sets each of the said Howe's Historical Collections of Ohio, and one set each to the accredited newspaper representatives in the senate and house of representatives.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

20

[Senate Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to the printing of one thousand additional copies of senate joint resolution No. 9.

Be it resolved by the General Assembly of the State of Ohio: That there be printed one thousand additional copies of senate joint resolution No. 9 for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

21

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to the printing of 1,000 copies of senate bill No. 2.

Resolved by the General Assembly of the State of Ohio: That there be printed 1,000 copies of senate bill No. 2, relating to primary elections, for use of members of the 77th general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

22

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to the election of United States senators.

Be it resolved by the General Assembly of the State of Ohio: That it is the sense of the general assembly that the constitution of the United States be so amended, that United States senators shall be elected by direct vote of the people.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 12, 1906.

23

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Relative to admitting Allesandro Colarecchio into the Massillon state hospital.

WHEREAS, Allesandro Colarecchio of Nallaresca, Province of Termo, Italy, is insane, and

WHEREAS, He is confined in the county infirmary of Tuscarawas county, Ohio, where proper care and attention cannot be given to him, suitable to his condition, and

WHEREAS, Under the statutes now in force in the state of Ohio, the said Allesandro Colarecchio is ineligible to admission to any hospital for the insane in this state for the reason that he is not a citizen of the United States of America and is not a legal resident of this state; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the superintendent of the Massillon state hospital for the insane, be and he is authorized and required to receive said Allesandro Colarecchio as an inmate of said institution until said person is discharged by due process of law or the rules of said institution as in other cases or is deported by the proper authority under the United States immigration laws.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted February 23, 1906.

24

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to railroad rates.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That the members of the general assembly of Ohio believe that President Roosevelt was right when he recommended to congress that a law be passed "Conferring upon some competent administrative body the power to decide upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just and if it is found unreasonable and unjust, then after full investigation of the complaint to prescribe the limit of rate beyond which it shall not be lawful to go, the maximum reasonable rate, as it is commonly called, this decision to go into effect within a reasonable time, and to obtain from thence onward, subject to review by the courts."

SECTION 2. That we commend the wisdom of such legislation by the congress of the United States, and request the senators and members of the house of representatives from Ohio, in congress, to vote for the passage of a law containing such provisions.

SECTION 3. That copies of this resolution be sent to the senators and representatives of Ohio, in congress, by the secretary of state.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted February 23, 1906.

25

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Requesting our representatives in congress to use their influence to have H. B. No. 7046 so amended as to except Vicksburg national military park commission from its operation.

WHEREAS, A bill has been introduced (H. B. No. 7046) in the house of representatives of the congress of the United States for the termination of the four national military park commissions and the creation of a national military park commission of five members to have charge of all the military parks; and

WHEREAS, The Chickamauga park commission appointed September 1, 1890, the Gettysburg park commission appointed May 25, 1893, and the Shiloh park commission appointed January 15, 1895, have each been given sufficient time in which to practically complete the work committed to them; and

WHEREAS, The Vicksburg national military park commission was appointed March 1, 1899, and should not be terminated until the work which [it has] has been planned and which is now being executed under said commission is completed; and

WHEREAS, Ohio furnished thirty-nine organizations to the Vicksburg campaign and siege, the largest number of any state except Illinois, therefore,

Be it resolved by the General Assembly of the State of Ohio: That we request the senators and representatives in congress from Ohio, to use their influence to have said house bill No. 7046 so amended as to except the Vicksburg national military park commission from its operations until June 30, 1910, thereby permitting that commission to finish its work.

FREEMAN T. EAGLESON,
Speaker pro tem. of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted February 23, 1906.

26

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Memorializing the president of the United States to negotiate a treaty with Great Britain for the preservation of Niagara Falls.

WHEREAS, President Roosevelt, in his recent message to congress, aroused the sentiment of the people of the United States in favor of the preservation of Niagara Falls against the encroachments of commercialism; and

WHEREAS, A concurrent resolution, in accordance with the president's evident desire, has been adopted by the general assembly of New York praying the president to exercise his constitutional prerogative as part of the treaty making power, looking to the negotiation of a treaty with Great Britain for the preservation of Niagara Falls; therefore,

Be it resolved by the General Assembly of the State of Ohio: That in his determination to prevent the destruction of Niagara Falls by commercial vandals, president Roosevelt is entitled to the encouragement and support of every patriotic citizen of the United States, and that the general assembly of the state of Ohio in this matter joins the universal protest against the destruction of this mighty cataract.

Resolved, That an engrossed copy of this resolution be forwarded to president Theodore Roosevelt by the secretary of state, under the seal of the state of Ohio.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted February 28, 1906.

27

[House Joint Resolution No. 40.]

JOINT RESOLUTION

Relative to the passage of congress of H. B. No. 14609.

Be it resolved by the General Assembly of the State of Ohio: That the congress of the United States be and are hereby memorialized to pass Mr. Taylor's house bill No. 14,609, providing that any soldier in the service of the United States who was confined thirty days or more in any confederate military prison shall be paid the sum of two dollars for each day he was confined therein, provided said soldier is honorably discharged from the service of the United States, and

That the widow of such soldier, if she is not remarried, shall be entitled to receive the same as the husband should have been entitled to by reason of said imprisonment.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 6, 1906.

28

[House Joint Resolution No. 38.]

JOINT RESOLUTION

Relative to printing 1,000 extra copies of Am. H. B. No. 283 and Am. S. B. No. 92, respectively.

WHEREAS, The Berry salary bill having passed the senate, and the Wilson salary bill the house, and each of vital importance to the members and the general public, and

WHEREAS, Numerous amendments have been made to both of said bills, therefore

Be it resolved by the General Assembly of the State of Ohio: That one thousand copies of H. B. No. 283 as amended and one thousand copies of S. B. No. 92 as amended be printed for the use of the members.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 6, 1906.

29

[House Joint Resolution No. 27.]

JOINT RESOLUTION

Relative to admitting Catherine Lovejoy to the Toledo state hospital.

Be it resolved by the General Assembly of the State of Ohio: That Catherine M. Lovejoy be admitted to the Toledo state hospital for the insane.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 8, 1906.

30

[Senate Joint Resolution No. 18.]

JOINT RESOLUTION

Relating to the appointment of a commission to the Jamestown, Virginia, exposition.

WHEREAS, The commissioners of the state of Virginia, selected by the state for the purpose of arranging for and holding an exposition during the spring and summer of 1907, on Hampton Roads, Virginia, in commemoration of the three hundredth anniversary of the founding of an English settlement at Jamestown, Virginia, in that portion of the present United States of America; and

WHEREAS, An invitation has been extended by the said state of Virginia to the state of Ohio, through this general assembly; and

WHEREAS, The state of Ohio is most largely composed of territory ceded to the United States by Virginia; and

WHEREAS, It is appropriate that the state of Ohio should be represented at and participate in said exposition; therefore

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That we accept said invitation, and that the governor shall appoint five commissioners to said exposition. It shall be the duty of said commission as soon as appointed to meet and organize and decide upon the scope and character of the participation of the state of Ohio therein.

Said commission shall serve without pay, except that their legitimate expenses shall be paid by the state, in carrying out the intention of this resolution, from the date of their organization until their disbandment. The commission shall make a report from time to time to the governor of its proceedings.

And said commission shall keep a correct account of all receipts and disbursements, and in their final report, file with the governor, a detailed statement of all expenses incurred in pursuance of this commission.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 8, 1906.

31

[House Joint Resolution No. 30.]

JOINT RESOLUTION

Providing for the publication of Howe's Historical Collections of Ohio.

WHEREAS, The state of Ohio, owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's Historical Collections of Ohio, centennial edition; and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the commissioners of public printing be and are hereby directed and authorized to contract for on behalf of the state, for the printing from said plates and engravings, etc., (16,000) sixteen thousand sets and binding thereof, in style and manner similar to and fully equal in quality as to binding, paper and workmanship to that furnished under house joint resolution No. 20, passed May 6, 1902 (95 O. L. 964) in sets of two volumes each, at a cost not to exceed one dollar per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following dis-

position and distribution made thereof: To the state library, for exchange, (75) seventy-five sets; to the archæological society of Ohio, (75) seventy-five sets for exchange; to each member of the seventy-seventh general assembly (100) one hundred sets; and to the lieutenant governor (100) one hundred sets; and to the clerk of the senate and to the clerk of the house of representatives (100) one hundred sets each; to each officer and clerk of said general assembly, and to each legislative correspondent, (1) one set; and the remaining to be sold by the secretary of state, at two dollars ($2) per set, and the proceeds paid into the state treasury to the credit of the general revenue fund.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 19, 1906.

32

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Proposing an amendment to the constitution of the state of Ohio relative to the passage of bills.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. A proposition shall be submitted to the electors of this state at the next election for members of the general assembly, to amend the constitution of the state of Ohio so that sections 18 to 32, both inclusive, of article II, shall respectively be numbered as sections 19 to 33; and sections 16 and 18 of such article be so amended as to read as follows:

Article II.

Sec. 16. Every bill shall be fully and distinctly read on three different days, unless, in case of urgency, three-fourths of the members elected to the house in which it shall be pending, shall dispense with this rule; but the reading of a bill on its final passage shall in no case be dispensed with. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended; and the section or sections so amended shall be repealed.

Sec. 18. Every bill passed by the general assembly shall, before it can become a law, be presented to the governor for his approval. If he approve it, he can [shall] sign it. If he do not approve it, he shall send it with his objections in writing, to the house in which it originated which may then reconsider the vote on its passage. If two-thirds of the members elected to that house then agree to repass the bill, it shall be sent, with the objections of the governor, to the other house which may also reconsider the vote on its passage. If two-thirds of the members elected to that house then agree to repass it, it shall become a law, notwithstanding the objections of the governor. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall

become a law, unless the general assembly by adjournment prevent its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him, with his objections, in the office of the secretary of state. The governor may disapprove any item or items in any bill making an appropriation of money, and the item or items, so disapproved, shall be stricken therefrom, unless repassed in the manner herein prescribed for the repassage of a bill.

SECTION 2. This amendment shall take effect on the first day of January A. D. 1909.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 20, 1906.

33

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Proposing an amendment to the constitution of the state of Ohio relative to the time of the commencement of the regular sessions of the general assembly.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. A proposition shall be submitted to the electors of this state at the next election for members of the general assembly to amend section 25 of article II of the constitution, so as to read as follows:

Sec. 25. The regular session of each general assembly shall commence on the first Monday in January next after it is chosen.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 20, 1906.

34

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Relative to the centennial celebration to be held at Salem, Ohio.

WHEREAS, The city of Salem, Ohio will hold a centennial celebrating its hundredth anniversary, June 20th, 21st, 22nd, and 23rd, 1906, and

WHEREAS, The state of Ohio has in its possession in the work room the gun from which was fired the last shot in the war of the rebellion, and

WHEREAS, The said city of Salem is a birthplace of Mr. James Burson, the former owner of said gun and who fired from it the last shot in

the war of the rebellion, and who gave to the state of Ohio the gun for the purpose of exhibiting as a relic, and

WHEREAS, The centennial committee and citizens of said city of Salem are desirous of exhibiting said gun at the centennial to be held.

Be it resolved by the General Assembly of the State of Ohio: That the governor and the adjutant general be and are hereby empowered to loan said gun for such purpose under such conditions and with such safeguards as to its preservation and return as they may deem proper.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 28, 1906.

35

[House Joint Resolution No. 46.]

JOINT RESOLUTION

Relative to admitting Hannah Mathews to the hospital for feeble-minded youth.

WHEREAS, Hannah Mathews, of Dennison, Ohio is insane, and

WHEREAS, She is confined in the children's home of Tuscarawas county, Ohio, where proper care and attention cannot be given to her suitable to her condition, and

WHEREAS, Under the statutes now in force in the state of Ohio, the said Hannah Mathews is ineligible to admission to any hospital for the insane in this state for the reason that she is not of proper age, to-wit seven years, therefore

Be it resolved by the General Assembly of the State of Ohio: That the superintendent of the hospital for feeble-minded youth be and he is authorized and required to receive said Hannah Mathews as an inmate of said institution, until said person is discharged by due process of law, or the rules of said institution as in other cases.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 28, 1906.

36

[House Joint Resolution No. 54.]

JOINT RESOLUTION

Relative to the printing of 2,500 copies of the report of the inspector of the Ohio co-operative topographical survey.

Be it resolved by the General Assembly of the State of Ohio: That the state printer be hereby authorized to print, as soon as practicable, twenty-five hundred copies of the report of the inspector of the Ohio co-operative topographical survey which comprises that information hitherto gathered by the survey and not published in map form, and covering the work of the survey from November 15, 1903 to February 1, 1906.

That five copies of same be sent to each member of the general assembly, one hundred copies be sent to the state library, one hundred copies be sent to the governor or his representative on the survey, and the remaining copies be deposited with the secretary of state for future distribution, provided, however, that no more than fifteen hundred copies including those distributed to the governor, library and members of the general assembly, be distributed the first year.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 28, 1906.

37

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

To authorize the city of Columbus to construct a public comfort station on the state capitol grounds.

Be it resolved by the General Assembly of the State of Ohio:

SECTION 1. That the city of Columbus be, and is hereby authorized to construct and maintain a public comfort station at such point or location on the state capitol grounds as shall be approved by the governor and the adjutant general of the state, the same to be in accordance with the following general plans:

The said public comfort station is to be constructed below the grade of said capitol grounds, the exterior walls to be stone masonry lined on the inside with brick, and the roof to be steel beams with reinforced concrete construction finished like a sidewalk, with sidewalk lights to light the rooms below, the steps and copings to be of limestone.

The floor to be tile, and all partitions for water-closets, etc., to be marble. All walls to be wainscoted six feet high with marble. The ceiling and side walls above the marble to be plastered and finished with enameled paint.

The plumbing fixtures to be extra heavy, all work to be first class and properly vented, provided that plans and specifications for said public

comfort station shall first be approved by the governor and adjutant general of the state, and all plumbing and sanitation shall be constructed and maintained subject to the approval of the secretary of the state board of health.

SECTION 2. This resolution shall take effect and be in force when the same is accepted by the council of the city of Columbus.

C. A. THOMPSON,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Adopted March 28, 1906.

38

[House Joint Resolution No. 44.]

JOINT RESOLUTION

Relative to printing bills and resolutions.

Be it resolved by the General Assembly of the State of Ohio: That when a senate or house bill or resolution be printed the first time that there be six hundred copies of the same printed for the use of the members of the general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 30, 1906.

39

[House Joint Resolution No. 58.]

JOINT RESOLUTION

Relative to the payment of salaries to the members of the general assembly.

Be it resolved by the General Assembly of the State of Ohio: That, the president of the senate and the speaker of the house of representatives be and they are hereby authorized to issue their vouchers upon the auditor of state, authorizing him to pay the salaries of the members of the 77th general assembly, to them, out of any money in the state treasury now appropriated therefor, which salaries shall be paid upon the adjournment of the first session of said general assembly.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 30, 1906.

40

[House Joint Resolution No. 59.]

JOINT RESOLUTION

Relative to appointing a joint committee of the house and senate to revise and codify the insurance laws of Ohio, and make recommendations relative thereto.

Be it resolved by the General Assembly of the State of Ohio:

WHEREAS, There is now pending before the general assembly a number of bills amending and supplementing the life insurance laws of the state; and

WHEREAS, The subject of life insurance is of vast importance, the pending bills very comprehensive, innumerable persons and interests are proposed to be affected, and it is important that there should be uniformity in the proposed laws of the different states on the subject, and therefore much time will be required to fully consider proposed measures before adopted; and

WHEREAS, Necessary and proper legislation upon this subject can be more wisely effected after a full consideration of existing conditions and laws, as well as proposed laws of this and other states, together with the reports and recommendations of similar committees, commissions, commissioners, superintendents of insurance and associations in this and other states, including New York, whose legislature, after an extended investigation of the subject by a committee and expert assistants, has not yet enacted into law any of the proposed measures; now therefore,

Be it resolved by the General Assembly of the State of Ohio: That a select joint committee be appointed, consisting of three members of the senate, two democrats and one republican, and three members of the house of representatives, two republicans and one democrat, which committee shall give consideration to the general subject of life insurance and such bills relating thereto as are pending before either branch of the general assembly, and which committee, shall be authorized to procure or send for all reports, recommendations, or other papers, relating to the general subject of life insurance and legislation relating thereto, and to send for any and all state officers, or employes or other persons having information relative to said subject; and which committee shall also in its discretion afford a full opportunity to any and all persons interested in the subject to appear and be heard before it; and

Be it further resolved, That said committee organize immediately after its appointment by the election of one of its members, chairman, and another member, secretary, and be authorized to sit at such times and places as it deems proper, to employ such counsel, actuaries, stenographers, clerks and other such employes and to incur such other expenses as it deems necessary for the purpose of such revision and codification; and

Be it further resolved, that said committee report to the general assembly by the first Monday in January, 1908, its recommendations, together with such revision or codification of life insurance laws, and it deems wise for enactment, and in proper form therefor.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 30, 1906.

[House Joint Resolution No. 47.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio: That the present session of the seventy-seventh general assembly of Ohio adjourn at twelve (12) o'clock, noon, Monday, April 2, 1906, to meet on the first Monday in January, 1908, at ten (10) o'clock A. M.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted March 30, 1906.

42

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Relating to the appointment by the governor of a commission of six on the Ohio penitentiary.

WHEREAS, On account of the increased and increasing population of the state of Ohio, and in consequence thereof the increase in the number of prisoners confined in the Ohio penitentiary; and

WHEREAS, On account of the present Ohio penitentiary, its grounds, buildings and offices being inadequate and too small to be advantageously continued in use for the purposes required; and

WHEREAS, The ventilation and sanitary conditions of the present buildings of said institution should be improved, and on account of the architecture, size, close proximity to each other and their general condition, it would require a large amount of money to improve said buildings in said respects; and

WHEREAS, The location of a penal institution of the character of such Ohio penitentiary in or near the center of a large city like Columbus is neither beneficial to the state, the city, or the prisoners confined therein; and

WHEREAS, the real estate now used for the purpose of said Ohio penitentiary has become very valuable, and probably too valuable for the state of Ohio to erect, replace or reconstruct or remodel such buildings as are necessary for the use intended; and

WHEREAS, On account of the value of said real estate and the price at which the same could probably now be sold; and

WHEREAS, A better location in Franklin county for such an institution could probably be found, and the necessary additional land acquired for such an institution can probably be secured for a very much less price, and new buildings erected which will meet the requirements of such an institution and its increasing demands; therefore

Be it resolved by the General Assembly of the State of Ohio: That the governor of the state of Ohio, be, and he is hereby, empowered and directed to appoint a commission to be composed of six citizens of the

state of Ohio, three of whom shall be from each of the two political parties casting the highest and next highest number of votes at the next preceding election, which said commission, shall, when appointed and confirmed by the senate of the state of Ohio, organize by electing one of its members president, and one of its members secretary, and shall proceed forthwith to make a careful inspection of the present Ohio penitentiary, and report to the governor of the state of Ohio the amount of land now used for said institution, the price which the said real estate and the buildings thereon could be sold for in cash, what in the opinion of said commission land for a new location could be secured for, what number of buildings would be required for the construction of a new penitentiary, their size, and an estimate of the cost of constructing and building the same, what amount of money would be realized by the sale of such fittings, machinery, equipment, etc., in the present buildings of the Ohio penitentiary, what amount could be used and placed advantageously in the new buildings of a new institution of like character, an estimate of the cost of apparatus for heating and equipment for the successful use of the new buildings of a new penitentiary, of said commission shall recommend that a new one is necessary, and that it be advisable to locate the same outside of the city of Columbus in Franklin county, or elsewhere, and any or [and] all other appropriate information incident to said subject that may occur to said commission.

Said commission shall with the advice and approval of the governor of the state of Ohio, employ an architect and an engineer if it is deemed necessary, and a clerk and stenographer to assist said commission in the performance of its duties herein defined, and said commission shall report to the governor of the state of Ohio on or before a certain time to be prescribed by him, and said report shall be published and a copy of the same furnished to both the senate and house of the general assembly of the state of Ohio, and such compensation shall be paid to the members of said commission and said architect, engineer, clerk and stenographer, and the necessary expenses of said commission, as shall be provided for in the general appropriation bill of the seventy-seventh general assembly.

C. A. THOMPSON,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted March 31, 1906.

43

[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

Requesting an investigation of the official conduct of E. G. Rathbone.

WHEREAS, E. G. Rathbone, a citizen of Ohio, and a former member of the senate in the sixty-eighth general assembly of Ohio, having served therein with distinguished ability, and with honor to himself, his constituency and the state, has presented to the congress of the United States a petition and prayer for relief (a copy of which petition and prayer duly authenticated by the chief clerk of the United States senate, is presented herewith), and

WHEREAS, In view of the claims set forth in said petition to the congress of the United States by said Rathbone, and because we believe it to be the duty of the United States government under our constitution and laws to vouchsafe to every citizen, whether at home or abroad, the fullest protection of law, and further believing that under the peculiar conditions, legal and otherwise, existing in the island of Cuba during the period complained of in said Rathbone's petition, he was necessarily deprived of his legal rights in the premises; therefore,

Be it resolved by the General Assembly of the State of Ohio: That the congress of the United States be and it hereby is respectfully requested to grant to the said E. G. Rathbone the relief prayed for in his said petition, by ordering an investigation of the official conduct of said Rathbone, while acting as director general of posts in the island of Cuba; and be it further

Resolved, That copies of this resolution be forwarded to the president of the United States senate, and to the speaker of the house of representatives of the congress of the United States.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted April 2, 1906.

44

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

Requesting senators and representatives in congress to favor a bill providing for a pension for citizen teamsters who served during the civil war.

Resolved by the General Assembly of the State of Ohio: That the senators and representatives of Ohio in the congress of the United States be and are hereby requested to favor the passage of a law granting to all citizens or hired teamsters a pension who served ninety (90) days or more during the civil war. Said pensions to be in accordance with those granted to regular enlisted soldiers.

Be it further resolved, That the secretary of the state of Ohio transmit immediately upon the passage of this resolution a copy thereof to each

of the representatives of Ohio in the house of representatives of the United States and the two senators from Ohio.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted April 2, 1906.

45

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

Providing for the printing and distribution of the catalogue of the law library of the supreme court.

Be it resolved by the General Assembly of the State of Ohio: That the supervisor of public printing is hereby authorized and directed to have printed and bound two thousand copies of the catalogue of the law library of the supreme court of Ohio, for general distribution among the judges, members of the bar, citizens and law libraries of the state, and to pay for the same out of the appropriations for state printing and binding. The commissioners of printing shall let the contract for the printing of the catalogue, by competitive bidding among bidders who are prepared to do catalogue work, and the quality of presswork and typesetting shall be considered in awarding the contract. The books shall be bound at the state bindery in a good quality of law buckram and shall be distributed by the law librarian under the supervision of the supreme court, the expense of such distribution to be paid from the contingent expense fund of the supreme court and law library.

Resolved, further, That the law librarian shall furnish copy for subsequent editions of the said catalogue, once in every five years hereafter, which editions shall be printed, bound and distributed hereafter, in the same manner as is above specified.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted April 2, 1906.

46

[Senate Joint Resolution No. 39.]

JOINT RESOLUTION

Relative to the purchase of land for the Lima state hospital.

WHEREAS, The general assembly of the state of Ohio has appropriated $62,500.00 for the purchase of land for the Lima state hospital (H. B. No. 547), and

WHEREAS, No board or officer is legally authorized to purchase said land as contemplated by said appropriation, therefore,

Be it resolved by the General Assembly of the State of Ohio: That the attorney-general of the state shall act as agent of the state for the purchase of land for the Lima state hospital. He shall examine and approve all deeds and instruments of conveyance before the auditor of state shall issue any warrants upon the treasurer of state in favor of the attorney-general from any funds appropriated for the purchase of land for the Lima state hospital.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted April 2, 1906.

47

[House Joint Resolution No. 61.]

JOINT RESOLUTION

Resolution of sympathy.

WHEREAS, Governor Pattison has been ill for a long time and his continued illness has been the cause of much anxiety and concern during the entire session of this legislature,

Be it resolved by the General Assembly of the State of Ohio: That in the closing hours of this session we hereby extend to Governor Pattison our sincerest sympathy and express a most earnest wish that he may be speedily restored to his former good health.

C. A. THOMPSON,
Speaker of the House of Representatives.

JAMES M. WILLIAMS,
President pro tem. of the Senate.

Adopted April 2, 1906.

48

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE,

I, LEWIS C. LAYLIN, secretary of state of the state of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said state, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-seventh general assembly of the state of Ohio, at its regular session, begun January 1, 1906, and ended April 2, 1906, and held in the city of Columbus.

In testimony whereof, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 14th day of May, A. D., 1906.

LEWIS C. LAYLIN,
Secretary of State.

[Seal.]

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS IN OHIO IN 1906.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Subdivision	Courts of Common Pleas.
Adams	West Union	4	Apr. 3, Nov. 13	7	3	Feb. 5, May 21, Nov. 14.
Allen	Lima	3	Apr. 17, Nov. 13	3	1	Jan. 29, Apr. 30, Sept. 24.
Ashland	Ashland	5	May 8, Nov. 22	6	2	Feb. 19, May 14, Oct. 22.
Ashtabula	Jefferson	7	Jan. 15, Sept. 10	9	3	Jan. 8, Apr. 16, Sept. 24.
Athens	Athens	4	Jan. 25, Oct. 9	7	1	Feb. 5, May 14, Nov. 5.
Auglaize	Wapakoneta	3	May 1, Nov. 20	3	1	Jan. 15, Apr. 9, Sept. 24.
Belmont	St. Clairsville	7	May 14, Dec. 10	8	2	Jan. 23, Apr. 10, Sept. 16.
Brown	Georgetown	4	Apr. 10, Nov. 15	5	1	Jan. 8, Apr. 23, Oct. 22.
Butler	Hamilton	1	Apr. 2, Oct. 8	2	1	Jan. 2, May 7, Oct. 1.
Carroll	Carrollton	7	Apr. 9, Nov. 7	9	1	Jan. 22, May 21, Sept. 24.
Champaign	Urbana	2	Apr. 23, Nov. 12	2	2	Jan. 2, May 7, Oct. 1.
Clark	Springfield	2	May 14, Dec. 3	2	2	Jan. 2, May 7, Oct. 1.
Clermont	Batavia	1	Mar. 26, Oct. 1	5	1	Jan. 9, Apr. 17, Oct. 9.
Clinton	Wilmington	1	Apr. 23, Oct. 29	2	3	Jan. 2, May 7, Oct. 1.
Columbiana	Lisbon	7	Mar. 26, Oct. 29	9	1	Jan. 15, Apr 16, Sept. 24.
Coshocton	Coshocton	5	May 15, Oct. 30	6	3	Jan. 7, Apr. 9, Oct. 15.
Crawford	Bucyrus	3	Jan. 30, Sept. 25	10	2	Feb. 5, Apr. 9, Oct. 22.
Cuyahoga	Cleveland	8	Jan. 8, Oct. 15	4	3	Jan. 2, Apr. 2, July 25, Sept. 17.
Darke	Greenville	2	Apr. 30, Nov. 19	2	2	Jan. 2, May 7, Oct. 1.
Defiance	Defiance	3	Mar. 20, Oct. 23	3	3	Mar. 13, May 15, Oct. 16.
Delaware	Delaware	5	June 12, Dec. 5	6	1	Feb. 15, May 7, Sept. 17.
Erie	Sandusky	6	Apr. 9, Sept. 10	4	1	Jan. 8, Apr. 2, Sept. 17.
Fairfield	Lancaster	5	Jan. 9, Sept. 19	7	2	Jan. 15, Apr. 16, Oct. 22
Fayette	Washington C.H.	2	May 7, Nov. 26	5	2	Jan. 8, Apr. 2, Sept. 25.
Franklin	Columbus	2	Jan. 2, Sept. 24	5	3	Jan. 3, Apr. 16, Sept. 17.
Fulton	Wauseon	6	May 9, Dec. 5	3	3	Jan. 22, Apr. 16, Oct. 1.
Gallia	Gallipolis	4	Feb. 27, Oct. 25	7	2	Jan. 8, Apr. 9, Sept. 24.
Geauga	Chardon	7	Feb. 5, Sept. 24	9	3	Jan. 15, Apr. 23, Oct. 1.
Greene	Xenia	2	Apr. 2, Oct 22	2	3	Jan. 2, May 7, Oct. 1.
Guernsey	Cambridge	7	Apr. 16, Nov. 12	8	1	Feb. 5, May 2, Oct. 1.
Hamilton	Cincinnati	1	Apr. 30, Nov. 5	1	..	Jan. 1, Apr. 2, July 2, Oct. 1
Hancock	Findlay	3	May 22, Dec. 11	10	1	Jan. 8, Apr. 2, Sept. 10.
Hardin	Kenton	3	Feb. 20, Oct. 4	10	1	Jan. 8, Apr. 2, Sept. 10.
Harrison	Cadiz	7	May 7, Dec. 3	8	3	Feb. 19, May 14, Oct. 29.
Henry	Napoleon	3	Mar. 6, Oct. 16	3	2	Mar. 5, May 7, Dec. 3.
Highland	Hillsboro	4	Apr. 17, Nov. 20	5	2	Jan. 15, May 21, Oct. 15.
Hocking	Logan	4	Feb. 6, Oct. 16	7	2	Jan. 8, Apr. 2, Sept. 17.
Holmes	Millersburg	5	May 22, Nov. 13	6	3	Feb. 5, May 7, Sept. 17.
Huron	Norwalk	6	Apr. 16, Nov. 12	4	1	Jan. 8, Apr. 9, Sept. 17.
Jackson	Jackson	4	May 31, Dec. 13	7	3	Jan. 30, May 1, Oct. 15.
Jefferson	Steubenville	7	May 21, Dec. 17	8	3	Jan. 8, Apr. 2, Sept. 17.
Knox	Mt. Vernon	5	Mar. 20, Oct. 9	6	1	Jan. 2, Apr. 1, Nov. 12.
Lake	Painesville	7	Jan. 29, Sept. 19	9	3	Feb. 5, May 7, Oct. 15.
Lawrence	Ironton	4	Mar. 6, Oct. 30	7	3	Feb. 12, Apr. 9, Sept. 17.
Licking	Newark	5	Mar 27, Oct. 16	6	1	Jan. 2, Apr. 1, Sept. 17.
Logan	Bellefontaine	3	Feb. 27, Oct. 9	10	3	Feb. 5, May 7, Oct. 15.
Lorain	Elyria	8	Apr. 23, Sept. 24	4	2	Jan. 15, Apr. 9, Oct. 1.
Lucas	Toledo	6	Jan. 2, Sept. 17	4	1	Jan. 2, Apr. 2, Sept. 24.
Madison	London	2	Apr. 9, Nov. 29	5	2	Feb. 19, May 21, Nov. 12.
Mahoning	Youngstown	7	Mar. 5, Oct. 15	9	2	Jan. 8, May 7, Sept. 17.
Marion	Marion	3	Jan. 16, Sept. 18	10	2	Jan. 22, May 14, Oct. 22.
Medina	Medina	8	May 3, Sept. 19	4	2	Jan. 8, Apr. 9, Sept. 17.
Meigs	Pomeroy	4	Feb. 20, Oct. 23	7	2	Jan. 8, Apr. 2, Sept. 24.
Mercer	Celina	3	May 8, Nov 27	3	1	Jan. 22, Apr. 9, Oct. 1.
Miami	Troy	2	Apr. 16, Nov. 5	2	2	Jan. 2, May 7, Oct. 1.
Monroe	Woodsfield	7	Apr. 30, Nov. 26	7	1	Feb. 13, Apr. 3, Sept. 25.
Montgomery	Dayton	2	May 21, Dec. 10	2	3	Jan. 2, Apr. 2, Oct. 8.
Morgan	McConnelsville	5	Apr. 24, Nov. 20	8	1	Jan. 9, Apr. 10, Oct. 2.
Morrow	Mt. Gilead	5	May 29, Dec. 18	6	2	Jan. 23, Apr. 17, Oct. 9.
Muskingum	Zanesville	5	Apr. 17, Oct. 23	8	1	Jan. 8, Apr. 9, Oct. 1.
Noble	Caldwell	7	Apr. 23, Nov. 19	8	1	Jan. 2, Apr. 2, Sept. 3.
Ottawa	Port Clinton	6	May 21, Dec. 17	4	1	Feb. 19, June 4, Nov. 19.
Paulding	Paulding	3	Mar. 13, Oct. 18	3	3	Jan. 22, Apr. 16, Oct. 1.
Perry	New Lexington	5	May 1, Nov. 7	7	1	Jan. 2, May 8, Oct. 29.
Pickaway	Circleville	4	Apr. 24, Nov. 27	5	2	Jan. 8 Apr. 9, Nov. 12.
Pike	Waverly	4	May 22, Dec. 11	7	3	Jan. 2, Apr. 2, Sept. 17.
Portage	Ravenna	7	Feb. 12, Oct. 1	9	2	Jan. 8, Apr. 2, Sept. 3.
Preble	Eaton	2	Apr. 26, Nov. 15	2	2	Jan. 8, May 7, Oct. 8.
Putnam	Ottawa	3	Mar. 27, Oct. 30	3	2	Jan. 2, Apr. 2, Sept. 10.
Richland	Mansfield	5	Jan. 16, Sept. 4	6	2	Feb. 5, Sept. 17, Dec. 10.
Ross	Chillicothe	4	May 8, Dec. 4	5	2	Jan. 15, Apr. 9, Nov. 12.
Sandusky	Fremont	6	May 14, Dec. 10	4	1	Jan. 2, Apr. 2, Sept. 17.
Scioto	Portsmouth	4	Mar. 20, Nov. 7	7	3	Jan. 8, Apr. 2, Oct. 1.
Seneca	Tiffin	3	May 15, Dec. 4	10	1	Feb. 5, Apr. 30, Oct. 8.

TIMES FOR HOLDING THE CIRCUIT COURTS, ETC.—Concluded.

Counties.	County Seats.	Circuit.	Circuit Courts.	District.	Subdivision.	Courts of Common Pleas.
Shelby	Sidney	2	Apr. 12, Nov. 1	3	1	Feb. 26, May 21, Nov. 26.
Stark	Canton	5	Feb. 27, Oct. 2	9	1	Jan. 8, May 7, Sept. 17.
Summit	Akron	8	Apr. 9, Oct. 1	4	2	Jan. 8, Apr. 16, Sept. 17.
Trumbull	Warren	7	Feb. 19, Oct. 8	9	2	Jan. 29, Apr. 30, Oct. 1.
Tuscarawas	New Philadelphia	5	June 5, Dec. 11	8	3	Jan. 2, Mar. 19, Sept. 10.
Union	Marysville	3	Feb. 13, Oct. 2	10	3	Jan. 8, Apr. 2, Sept. 10.
Van Wert	Van Wert	3	Apr. 10, Nov. 6	3	3	Feb. 19, May 21, Nov. 12.
Vinton	McArthur	4	Feb. 13, Oct. 18	7	2	Feb. 26, May 14, Nov. 5.
Warren	Lebanon	1	Apr. 16, Oct. 22	2	3	Jan. 8, May 7, Oct. 1.
Washington	Marietta	4	Jan. 16, Oct. 2	7	3	Jan. 9, Apr. 24, Oct. 9.
Wayne	Wooster	5	Feb. 13, Sept. 25	6	3	Jan. 2, Apr. 9, Sept. 10.
Williams	Bryan	6	May 7, Dec. 3	3	3	Feb. 19, May 21, Nov. 12.
Wood	Bowling Green	6	Apr. 23, Nov. 19	10	1	Jan. 8, Apr. 2, Sept. 10.
Wyandot	Upper Sandusky	3	Jan. 9, Sept. 11	10	2	Jan. 15, Mar. 26, Sept. 17.

THE STATE OF OHIO,
Office of the Secretary of State.

I, Lewis C. Laylin, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1906, taken from the official lists returned by the judges of said Courts to this office.

Witness my hand and official seal, this 15th day of December, A. D. 1905.

[Seal.]

LEWIS C. LAYLIN,
Secretary of State.

Index to General Laws.

ABANDONMENT— Page.
Parents, of, by children; penalty 98
ADJUTANT GENERAL—
Appropriations 20, 34, 102, 183, 243, 369
Assistant adjutant general, salary of 365
Assistant quartermaster general, salary of 365
Salary of 365
ADULTERATION—
Drugs, when deemed adulterated..... 263
Foods, when deemed adulterated 263-265
Maple sugar and syrup, of 201
AGRICULTURAL EXPERIMENT STATION—
Appropriations 20, 35, 102, 183, 370
Department of forestry established at; duty of board of control; expenditures 54
ALIMONY—(See Divorce and Alimony.)
APIARIES—
County inspector of, appointment, term, etc.; tax levy 55
APPROPRIATION OF PROPERTY—(See Municipal Corporations.)
APPROPRIATIONS—
Adjutant general 20, 34, 102, 183, 243, 369
Agricultural experiment station 20, 35, 102, 183, 370
Athens state hospital 40, 108, 382
Attorney-general 35, 103, 134-137, 371
Auditor of state 35, 103, 371
Board of deposit 40, 183, 379
Board of pardons 36, 372
Board of public works 36, 104, 137-139, 183, 372
Board of state charities 36, 104, 372
Boys' industrial school 41, 110, 381
Brown, Mrs. Mattie 141
Brush, Mrs. J. P. 42, 384
Bullard, Nellie 141
Bureau of building and loan associations 39, 106, 377
Bureau of labor statistics 37, 105, 375
Bureau of uniform system of public accounting 41
Canal commission 36
Clerk of supreme court 40, 106, 378
Cleveland state hospital 40, 109, 382
Columbus state hospital 21, 40, 109, 140, 184, 382
Commission to revise and consolidate the statute laws..... 378
Commissioner of common schools 36, 103, 183, 373
Commissioner of railroads and telegraphs 36, 373
Commissioner of soldiers' claims 36, 103, 374
Commissioners of public printing 36, 103, 373
Common Schools 89
Dairy and food commissioner 37, 103, 140, 374
Dayton state hospital 40, 109, 184, 382
Deficiency 130-141, 183-185

APPROPRIATIONS—Continued. Page.
Department of state 38, 105, 376
Electric light and power plant for state house 168
Examiner of steam engineers 37, 105, 374
Executive department 37, 104, 183, 374
Fauver, Clare C. 141
Fee commission 385
Fish and game commission 37, 105, 375
Fort Meigs memorial 385
General assembly 3, 9, 20, 42, 107, 379
General for 1906 and 1907 101-114
General for 1907 and 1908 369-387
Geological survey 112, 384
Girls' industrial home 41, 110, 182, 184, 381
Governor Herrick, portrait of 112
Home of the Ohio soldiers, sailors, marines, their wives, widows, mothers, and army nurses 111, 384
Inspector of mines 21, 37, 105, 375
Inspector of workshops and factories 38, 105, 376
Institution for the education of the deaf and dumb....41, 110, 184, 383
Institution for feeble-minded youth 41, 111, 140, 384
Institution for the treatment and education of deformed and crippled children 59
Interest on irreducible debt 166
Jamestown exposition 113
Judiciary 38, 105, 376
Lima state hospital 109, 140
Longview hospital 40, 109, 382
Massillon state hospital 40, 109, 382
Miami university 7, 112, 210, 211, 385
Ohio dairymen's association 185
Ohio hospital for epileptics 41, 111, 140, 184, 384
Ohio national guard 102, 190, 130-134, 370
Ohio penitentiary 40, 108, 381, 386
Ohio state archæological and historical society 35, 103, 371
Ohio state library 38, 106, 377
Ohio state reformatory 21, 40, 108, 140, 184, 381
Ohio state sanatorium 109, 383
Ohio state university 112, 184, 211, 385
Ohio university 7, 112, 210, 385
Ohio Vicksburg battlefield commission 145
Prosecution and transportation of convicts 21, 38, 105, 376
Railroad commission 374
Reporter of supreme court 40, 378
Sherman, Wm. A. 203
Soldiers' and sailors' home 41, 111, 184, 384
Soldiers' and sailors' orphans' home 41, 111, 140, 384
State board of agriculture 35, 103, 139, 183, 371
State board of appraisers and assessors 36, 104, 372
State board of arbitration 36, 104, 372
State board of health 11, 36, 104, 372
State board of medical registration and examination 41
State board of pharmacy 41
State fire marshal 41

APPROPRIATIONS—Concluded. Page.
State highway department 21, 35, 107, 379
State house and grounds 34, 102, 134, 369
State school for the blind 41, 110, 383
Sultana monument 308
Superintendent of insurance 39, 106, 377
Supervisor of public printing 21, 39, 106, 378
Supreme court and law library 39, 106, 378
Toledo state hospital 41, 109, 383
Treasurer of state 40, 106, 184, 379
Webb, D. L. 203
Wilberforce university 7, 113, 211, 386
Wortsmith, Mrs. Katherine 141
ART GALLERY—(See Municipal Corporations.)
ASSESSOR—
Election and term of 172
Penalty against, for failing to enlist dogs for taxation 87
ATHENS STATE HOSPITAL—
Appropriations 40, 108, 382
Salaries of officers and employes 368
ATTORNEY-GENERAL—
Appropriations 35, 103, 134-137, 371
Exceptions to decision of court; proceedings upon; when state may prosecute error 33
First assistant, salary of 366
Grand jury, shall have access to, when 27
Salary of 365
Second assistant, salary of 366
AUDITOR OF STATE—
Appropriations 35, 103, 371
Deputy, salary of 366
Ex-officio member of commission to select and purchase lands and erect thereon institution for the treatment and education of crippled and deformed children 57
Salary of 365
AUDITOR—(See County Auditor.)
AUTOMOBILE—
Act to compel owners and operators of motor vehicles to register with the secretary of state 320-327
BALLOT BOX—(See Elections.)
BALLOT—(See Elections.)
BEES—
Appointment of inspectors for purpose of curing and avoiding foul brood and other diseases among; tax levy 55
BENEVOLENT SOCIETIES—(See Religious and Benevolent Societies.)
BIRDS, FISH AND GAME—
Destruction of fish by explosives or poisonous substances forbidden; penalty 250
Fish nets, how to be constructed; unlawful possession of certain fish; penalty 216
License for net fishing; fishing season; penalties for violation.... 257-259
Possession of nets, trot line, etc., is prima facie evidence of possession for unlawful use; penalty; exceptions 197

BOARD OF COUNTY VISITORS— Page.
Appointment, qualification, term, etc.; duties; annual report.... 27-29
BOARD OF DEPOSIT—
Appropriations 40, 183, 379
BOARD OF EDUCATION—
Bonds of, first to be offered to commissioners of sinking fund.... 45
Conveyance of pupils to schoolhouse; board in special district may provide for 267
Day schools for deaf; board authorized to establish; expenses, etc. 219
Election of members of; preparation, printing and marking of ballots; declaration of result 116
Library, may establish; maintenance and control of vested in board of trustees; taxation 244
School funds; maximum levy; when greater tax may be levied.. 127
Schools specially endowed, board may contract with to receive pupils of district in which school is located..... 206
Status of board upon change in classifications of districts..... 218
Taxation; shall fix rate of after state funds are exhausted; when 9
BOARD OF HEALTH—(See Municipal Corporations; State Board of Health.)
Annual conferences of health officers 205
BOARD OF PARDONS—
Appropriations 36, 372
BOARD OF PUBLIC WORKS—
Appropriations 36, 104, 137-139, 183, 372
Canal commission abolished; powers and duties of conferred upon board of public works; salaries and expenses of employes for performing additional duties thus imposed 306
Chief engineer, additional powers and duties of 305
Chief engineer, salary of 366
Election and term of members; extension of term 304
Field engineers, inspectors, etc., appointment, removals and vacancies 305
Salaries and expenses of members 304, 365
Secretary, salary of 366
BOARD OF ROAD COMMISSIONERS—(See County Commissioners; Road Commissioners.)
BOARD OF STATE CHARITIES—
Appropriations 36, 104, 372
Biennial report, bulletins, etc., shall publish 30
Conferences with officers of benevolent, penal and reformatory institutions, etc. 29
BONDS—(See Library.)
Municipal and township; provisions for the issue and sale of.... 63-67
Road commissioners; county commissioners authorized to issue bonds to refund indebtedness of 32
BOYS' INDUSTRIAL SCHOOL—
Appropriations 41, 110, 381
Salary of officers and employes of 367
BRIDGES—(See Township Roads.)
Advertisement for bids; posting notice for bids; private contract 19
Plans, estimates, specifications, etc., commissioners to procure before entering into contract 21

Page.
BROWN, MRS. MATTIE—
Appropriation 141
BRUSH, MRS, J. P.
Appropriations 42, 384
BUILDING AND LOAN ASSOCIATIONS—
Powers of such corporations 173-175
BULLARD, NELLIE—
Appropriation 141
BUREAU OF BUILDING AND LOAN ASSOCIATIONS—
Appropriations 39, 106, 377
Deputy inspector, salary of 365
BUREAU OF LABOR STATISTICS—
Appropriations 37, 105, 375
Salary of commissioner of labor 365
BUREAU OF UNIFORM SYSTEM OF PUBLIC ACCOUNTING—
Appropriations 41
Salary of deputy inspectors and supervisors 366
BURGLARS' TOOLS—
Having possession of, penalty 4
BURGLARY—
Defined; penalty for 3
CANAL COMMISSION—
Abolished; powers and duties of, conferred upon board of public works; final report of 306
Appropriation 36
CEMETERY—(See Township Cemeteries.)
CEMETERY ASSOCIATIONS—
Transfer of property to, by religious or benevolent society; procedure 10
CENTENNIAL—(See County Centennial Celebrations.)
CHALLENGES—(See Elections.)
CHANGE OF VENUE—
In common pleas court when judge is disqualified to sit..... 59
CHATTEL MORTGAGES—
Where to be filed; record of 114
CHAUFFEUR—(See Automobile.)
CHILDREN—(See Crippled and Deformed Children.)
CINCINNATI UNIVERSITY—
When and how tax may be levied 128
CITIES—(See Municipal Corporations.)
CLERK OF COURTS—
Election and term; extension of term 271-273
Judgments of United States courts, filing, recording and entering of; effect thereof 62
Salary of 94, 117
CLERK OF SUPREME COURT—
Appropriations 40, 106, 378
Deputy clerk, salary of 366
Election and term; extension of term 271, 272
Salary of 365
Second deputy clerk, salary of 366
CLEVELAND—
Sale of certain lands to, authorized 298-301
CLEVELAND & PITTSBURG RAILROAD COMPANY—
Sale of certain lands to, authorized 298-301

CLEVELAND STATE HOSPITAL— Page.
Appropriations 40, 109, 382
Lands of, authorized to be sold 298-301
Salaries of officers and employes of 368
COAL MINER—(See Mines and Mining.)
CODIFICATION OF STATUTE LAWS—
Commission; appointment, powers, duties, compensation, etc..... 221
COLUMBUS STATE HOSPITAL—
Appropriations 21, 40, 109, 140, 184, 382
Salaries of officers and employes of 368
COMMISSION—(See Court House.)
COMMISSION FOR REVISION AND CONSOLIDATION OF STATUTE LAWS—
Appointment; powers and duties; compensation, etc. 221
Appropriation 373
COMMISSIONER OF COMMON SCHOOLS—
Appropriations 36, 103, 183, 373
Day schools for deaf; duties relative to 219
Election and term of; vacancies 272
Salary of 365
COMMISSIONER OF LABOR STATISTICS—
Salary of 365
COMMISSIONER OF RAILROADS AND TELEGRAPHS—(See Railroad Commission.)
Appropriations 36, 373
COMMISSIONER OF SOLDIERS' CLAIMS—
Appropriations 36, 103, 374
Salary of 365
COMMISSIONERS—(See County Commissioners.)
COMMISSIONERS OF PUBLIC PRINTING—
Appropriations 36, 103, 373
COMMON CARRIER—(See Railroad Commission.)
COMMON PLEAS COURT—(See Court of Common Pleas; Judges and Judicial Districts.)
COMMON SCHOOLS—
Appropriation 89
COMPENSATION—(See Fees and Salaries.)
CONDITIONAL SALES—
Personal property, of; where statement to be filed 115
CONVEYANCES AND INCUMBRANCES—
Chattel mortgages, where to be filed 114
Personal property, conditional sales of; where statement to be filed 115
CONVICT—(See Ohio Penitentiary.)
CORONER—
Election and term; extension of term 271-273
CORPORATIONS—(See Insurance Companies; Trusts.)
Building and loan associations, powers of 173-175
Certificate of subscription to stock; filing of 294
Directors; number, change in number; notice of election of..... 294-295
Gas and electric companies; powers of; contracts with municipalities or townships 150
Sale of entire property and assets of, act to regulate and protect interests of minority stockholders 229-231

CORPORATIONS—Concluded. Page.
Ship canal companies, foreign; powers of 151
Title guarantee and trust companies; powers of; amount of capital stock required; deposits with treasurer of state; reports to auditor of state 153

COUNCIL—(See Municipal Corporations.)

COUNTY AUDITOR—
Compensation of 6, 93
Election and term; extension of term 271-273
Fees for services in connection with ditch work 296
Salary of 93
Turnpikes, duties relative to, when petition is filed by landowners; fees 24

COUNTY CENTENNIAL CELEBRATIONS—
Appropriation of money for; election of board of centennial managers 163

COUNTY COMMISSIONERS—(See Apiaries.)
Application to state highway department for assistance in road making 279
County centennial celebrations, when may appropriate money for 163
Court house, ex-officio members of commission for the erection of.. 53
Fees for services in connection with ditch work 296
Infirmary, rebuilding of; authorized to issue bonds and levy tax for purpose of 187
Law library, rooms for, shall provide 18
Libraries; may receive bequests, etc., for construction or maintenance of county library; may contract with library association for use of library; taxation 194
Memorial building; authorized to provide for furnishing and maintenance of; tax levy 126
National road, duties as to care and control of 156
Number; election and term; extension of term; vacancies.....271, 272
Public building and bridges—
Advertisement for bids; posting notice for bids; private contract 19
Plans, estimates, specifications, etc., commissioners to procure before entering into contract 21
Removal of drift—
Authorized to cause removal of material obstructing water courses or endangering highways 23
Road commissioners, indebtedness of, commissioners authorized to issue bonds to refund 32
Township roads, improvement of by joint agreement with township trustees 155
Turnpikes, duties relative to, when petitioned by landowners.... 23-26

COUNTY DEPOSITORY—
Provisions for the deposit of county moneys 274-279

COUNTY INFIRMARY—(See Infirmary.)

COUNTY LIBRARY—(See Libraries.)

COUNTY MEMORIAL BUILDING—(See Memorial Building.)

COUNTY OFFICERS—(See Various Officers.) Page.
Act fixing the salaries of, and providing for the employment and compensation of their deputies, clerks and assistants.....89-97, 117
Extension of terms of office of, to conform to constitutional provisions relating to biennial elections 271-273
COUNTY RECORDER—
Election and term; extension of term..... 271-273
Salary of 95
COUNTY ROADS—(See Public Ways.)
COUNTY SURVEYOR—
Election and term; vacancy; duties; location of office; appointment and compensation of assistants, deputies, clerks, etc. 245-247, 297
Election and term; extension of term 271-273
Fees and expenses that may be charged and received..... 296-298
COUNTY TREASURER—
Election and term; extension of term 271, 272
Release and discharge of treasurer and sureties in certain cases.. 120-122
Salary of 93
COUNTY VISITORS—(See Boards of County Visitors.)
COURT—(See Juvenile Court; Superior Court of Cincinnati.)
COURT HOUSE—
Commission for the erection of; appointment, compensation, expenses, oath, bond, etc. 53
COURT OF COMMON PLEAS—(See Judges and Judicial Districts.)
Change of venue in, when judge disqualified to sit..... 59
Salary of judges 365
CRIMES AND OFFENSES—(See Elections.)
Abandonment of parents by children; penalty 98
Burglars' tools, having possession of; penalty 4
Burglary defined; penalty 3
Election laws, violation of; penalties 31, 223-227
Game laws, violation of; penalties.....197, 216, 250, 257-259
General assembly or committee thereof; penalty for refusing to testify before 99
Hazing or permitting act of; penalty 124
Immoral exhibitions prohibited; penalty 303
Immoral pictures, publication or display of, prohibited; penalty... 303
Intoxicating liquors, penalty for unlawful sale of.....13, 15, 17, 71
Local option law, violations of; penalties.....13, 15, 16, 17, 71
CRIMINAL PROCEDURE—
Exceptions by prosecuting attorney or attorney-general; proceedings upon; when state may prosecute error 33
CRIPPLED AND DEFORMED CHILDREN—
Appointment of commission to select and purchase land and erect thereon institution for treatment and education of..... 57-59
CUYAHOGA COUNTY—(See Index to Local Laws.)
DAIRY AND FOOD COMMISSIONER—
Appropriations 37, 103, 140, 374
Salary of 365
DANCE HALLS—
Mayor's permit to give public dance; sale of intoxicating liquors in, forbidden: penalty 61

Page.

DAYTON STATE HOSPITAL—
Appropriations 40, 109, 184, 382
Salaries of officers and employes 368
DEAF—(See Schools.)
DEPARTMENT OF STATE—
Appropriations 38, 105, 376
DEPOSITORY—(See County Depository; Township Depository.)
DEPUTY STATE SUPERVISORS OF ELECTIONS—(See Elections.)
DEPUTY STATE SUPERVISORS AND INSPECTORS OF ELECTIONS—(See Elections.)
DIRECT INHERITANCE TAX—
Act repealed 229
DIRECTORS—(See Corporations.)
DITCHES—(See Ditches, Drains and Water Courses.)
DITCHES, DRAINS AND WATER COURSES—
Provisions for the cleaning out and keeping in repair of..... 280-284
DIVORCE AND ALIMONY—
Prepayment or security for costs required in actions for; proviso 142
DOG TAX—
Act providing for the better collection of; distribution of tax; duty of assessor 87
DOW LAW—
Tax on liquor business; application of law to railway companies operating buffet cars 99-101
DRUGGIST—
Local option laws, violation of; penalty 16
DRUGS—(See Adulteration.)
ELECTION PRECINCTS—(See Elections.)
ELECTIONS—
Ballots, printing of; separate ballots for each precinct; municipalities containing less than fifty voters 234
Board of deputy state supervisors of elections; appointment, qualifications and term of members; vacancies; removals, etc..... 288
Board of deputy state supervisors and inspectors of election; appointment, qualifications and term of members; vacancies. 289
Clerk and deputy clerk; appointment, term and qualifications 290
Organization of board 290
Boards of education, of; preparation and marking of ballots; declaration of result of election 116
Nominations, filling vacancies; substitution of name of candidate of other party or nominee by petition unlawful 176
Offenses against the right of suffrage; penalties..... 223-227
Opening and close of polls 31
Polls, opening and close of 31
Precincts, how composed 234
Prosecutions for violation of election laws; offender compelled to testify 167
Registration—
Council may provide for general registration in municipalities 270
Required, where; days for registration; registration by clerk; duties of registrars 213-215
Registrars, duties of, when acting as judges 31
Violation of laws relating to 31
ELECTRIC COMPANIES—(See Corporations.)

ELECTRICITY—(See Gas, Electricity and Water.) Page.
ELECTRIC LIGHT PLANTS—
Village, council may levy tax for support of 46
ELECTRIC LIGHT AND POWER PLANT FOR STATE HOUSE—
Appropriation 168
ELECTRIC METER—(See Meters.)
ELECTRIC RAILWAY COMPANIES—(See Interurban and Street Railway Companies.)
EMINENT DOMAIN—(See Municipal Corporations.)
ENGINEER—(See County Surveyors.)
EXAMINATIONS—(See Teacher's Examinations.)
EXAMINER OF STEAM ENGINEERS—
Appropriations 37, 105, 374
Salary of 366
EXECUTIVE OFFICERS—
Term of office of officers of executive department elected November 7, 1905 27
EXECUTIVE DEPARTMENT—
Appropriations 37, 104, 183, 374
EXTENSION OF TERM—(See Various Officers.)
Judges of common pleas court 119, 120
FARE—
Railroad; rate prescribed 4
FARMER'S INSTITUTE SOCIETIES—
Expenses of farmers' institutes, provisions for payment of..... 307
FAUVER, CLARE C.—
Appropriation 141
FEE COMMISSION—
Appropriation 385
FEES AND SALARIES—(See Various Officers.)
County auditor, compensation of 6, 93
County officers, act fixing the salaries of and providing for the employment and compensation of their clerks, deputies and assistants 89-97, 117
General assembly, salary and mileage of members 8, 287
Prosecuting attorney, salary of 160-162
State officers, salary of 365-369
FENCES—(See Line Fences.)
FISH—(See Birds, Fish and Game.)
FISH AND GAME COMMISSION—
Appropriations 37, 105, 375
FOODS—(See Adulteration.)
FORESTRY BUREAU—
Department of forestry created; location; under whose control; nature of work to be done 54
FORT MEIGS MEMORIAL—
Appropriation 385
GAME LAWS—(See Birds, Fish and Game.)
GAS COMPANIES—(See Corporations.)
GAS, ELECTRICITY AND WATER—
Council may regulate price of 170
GAS METERS—(See Meters.)

GENERAL ASSEMBLY— Page.
Appropriations 3, 9, 20, 42, 107, 379
Legislative committees; testimony of witness before not to be used as evidence in criminal prosecutions against him..... 268
Refusal to testify before general assembly or committee thereof; penalty 99
Salary and mileage of members 8, 287
Term of office of members elected November 7, 1905 27
GEOLOGICAL SURVEY—
Appropriations 112, 384
GIRLS' INDUSTRIAL HOME—
Appropriations 41, 110, 182, 184, 381
Provisions for establishment of technical and industrial school.. 182
Salaries of officers and employes 367
GOVERNOR—
Cleveland state hospital, land of; authorized to sell 298-301
Commission for revision and consolidation of statute laws; authorized to appoint 221
Commission to select and purchase lands and erect thereon institution for treatment and education of crippled and deformed children, authorized to appoint 57
Executive clerk, salary of 365
Lima state hospital; authorized to appoint building commission and board of trustees 236, 237
Salary of 365
Secretary to, salary of 365
Strode, Caroline, authorized to execute deed of certain land to... 125
Sultana monument commission, appointment of; appropriation.. 308
GOVERNOR HERRICK—
Portrait of, appropriation 112
GRADE CROSSINGS—(See Municipal Corporations.)
GRAND JURY—
Prosecuting attorney and attorney-general may appear before.... 26
HAMILTON COUNTY—(See Index to Local Laws.)
HAMLETS—
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money"..... 327-342
HAZING—
Penalty for hazing or permitting act of 124
HEALTH OFFICERS—(See Board of Health.)
HIGHWAY COMMISSIONER—(See State Highway Department.)
HOME OF THE OHIO SOLDIERS, SAILORS, MARINES, THEIR WIVES, WIDOWS, MOTHERS, AND ARMY NURSES—
Appropriation 111, 384
Salary of superintendent 367
HUMANE AGENTS—(See Humane Societies.)
HUMANE SOCIETIES—
Agent, appointment, approval and salary 43
IMMORAL EXHIBITION—
Giving of, prohibited; penalty 303
IMMORAL PICTURE—
Publication and display of, forbidden; penalty..... 303

Page.

INFIRMARY—
Rebuilding of; county commissioners authorized to issue bonds, levy tax, etc., for purpose of 187
INFIRMARY DIRECTORS—
Number, election and term; extension of term 271-273
INHERITANCE TAX—
Act repealed 229
INSANE CONVICTS—(See Lima State Hospital.)
INSANE PERSON—
Ineligible to admission to soldiers' and sailors' home; transfer of to asylum, etc. 80
INSOLVENCY COURT—(See Cuyahoga County and Hamilton County in Local Index.)
INSPECTOR OF MINES—(See Mines and Mining.)
Appropriation 21, 37, 105, 375
Preventive measures necessary for safety of miners, duty as to enforcement of 169
Salary of 366
INSPECTOR OF OIL—(See Oil Inspector.)
INSPECTOR OF WORKSHOPS AND FACTORIES—
Appropriation 38, 105, 376
Salary of 366
INSTITUTION FOR FEEBLE-MINDED YOUTH—
Appropriations 41, 111, 140, 384
Salary of officers and employes 367
INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB—
Appropriations 41, 110, 184, 383
Salary of officers and employes 366
INSTITUTION FOR THE TREATMENT AND EDUCATION OF DEFORMED AND CRIPPLED CHILDREN—
Appropriation 59
INSURANCE COMPANIES—(See Superintendent of Insurance.)
Foreign—
Fees payable for the making out and forwarding of interest checks and coupons 266
Inspection of companies charged with violation of law; admission to do business in state 242
INSURANCE DEPARTMENT—(See Superintendent of Insurance.)
INTERURBAN AND STREET RAILWAY COMPANIES—
Grade crossings; company to bear part of expense of making such improvements 193
Sprinkling of right of way, municipal council may require 5
Terminal facilities in municipalities, council may grant franchise to interurban railway for purpose of..... 253
Vestibule, forward, of car must be screened and heated..... 5
INTOXICATING LIQUORS—
"Dow" law tax 99-101
Residence district local option law 68-75
Sale of, on premises where public dance or roller skating is permitted, forbidden; penalty 62
"Search and seizure" act for enforcement of local option laws prohibiting sale of intoxicating liquors 12-18
IRREDUCIBLE DEBT—
Appropriation to pay interest on 166

JAMESTOWN EXPOSITION—(See Index to Joint Resolutions.) Page.
Appropriation 113
JOURNALS—
General assembly, of, printing and distribution of..... 198-200
JUDGE—(See Judges and Judicial Districts.)
JUDGE OF SUPREME COURT—(See Supreme Court.)
JUDGES AND JUDICIAL DISTRICT—
Fifth district, third subdivision; additional judge, election, term, etc. 152
Fourth district, second subdivision; additional judge, election, term, etc. 175
Fourth district, third subdivision; election, number and term of judges; extension of term of office 118
Judges of common pleas court, election and terms; extension of terms 119
Second district, first subdivision; additional judge, election, term, etc. 147
Seventh district, first subdivision; additional judge, election, term etc. 148
Superior court of Cincinnati; election and term of office of judges of 48
JUDGMENTS OF UNITED STATES COURT—
Filing, recording and entering of, on dockets of common pleas court; effect thereof 62
JUDICIARY—
Appropriations 38, 105, 376
JURORS—
Fees for services in connection with ditch work..... 297
JUSTICE OF THE PEACE—
Election and term; vacancies, how filled 171-173
JUVENILE COURT—
Amendment of act to regulate the treatment and control of dependent, neglected and delinquent children 314-319
LAW LIBRARIES—
County commissioners shall provide a room, etc., for 18
LEGISLATIVE COMMITTEE—(See General Assembly.)
LIBRARIES—(See Law Libraries.)
Bonds for, library board authorized to issue after submission of question to vote; taxation; sinking fund and sinking fund commission, etc. 260-263
County; commissioners may receive bequests, etc., for construction or maintenance; may contract with library association for use of library; taxation 194
Township; trustees authorized to levy tax to compensate private company or association for maintaining free public library.. 47
LICENSE—(See Automobile.)
LIEUTENANT GOVERNOR—
Salary of 365
LIMA STATE HOSPITAL—
Act providing for erection, organization and management of..... 236-241
Appropriations 109, 140
LINE FENCES—
Meaning of term "owner" 149

LOCAL OPTION— Page.
Enforcement of laws prohibiting sale of intoxicating liqors; "search and seizure" act 12-18
Residence districts in municipality 68-75
LONGVIEW HOSPITAL—
Appropriations 40, 109, 382
MAPLE SUGAR AND SYRUP—
Standard of weight; adulteration 201
MASSILLON STATE HOSPITAL—
Appropriations 40, 109, 382
Salary of officers and employes 368
MEDICINE—(See Physicians and Surgeons.)
MEMORIAL BUILDING—
County commissioners authorized to provide for furnishing and maintenance of; tax levy 126
METERS—
Municipal council may provide that meters shall be furnished free of charge 170
MIAMI UNIVERSITY—
Appropriations 7, 112, 210, 211, 385
Rate of state tax levy for 310, 311
MIDWIFE—(See Physicians and Surgeons.)
MINER—(See Mines and Mining.)
MINES AND MINING—
Dust charged air and gas in mines, provisions to prevent explosion of; penalties for noncompliance 169
Employment of coal miners; when miner may work alone 259
MINORITY STOCKHOLDERS—(See Corporations.)
MORTGAGES—(See Chattel Mortgages.)
MOTORMEN—
Protection of, from weather 5
MOTOR VEHICLE—(See Automobile.)
MUNICIPAL CODE—
Section 12 amended 164
Section 13 amended 164
Section 18 amended 164
Section 24 amended 165
Section 25 supplemented 43
Section 45 supplemented 204
Section 65 amended 78
Section 66 amended 79
Section 67 amended 79
Section 73 amended 301
Section 117 amended 195
Section 123 amended 88
Section 133 amended 196
Section 205 amended 252
Section 218 supplemented 146
Section 219 amended 123
MUNICIPAL CORPORATIONS—(See Street Commissioner.)
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342

MUNICIPAL CORPORATIONS—Continued. Page.

Appropriation of property—
Resolution and notice of intent to appropriate; ordinance; application to court; orders as to payment or deposit of assessments 164

Art gallery, etc., council authorized to levy tax to compensate private association for maintaining same 146

Assessments—
Sprinkling, sweeping and cleaning of streets; appointment of commissioners; ordinance; assessment of cost upon property owner 78-80

Auditor, election, term, qualifications, duties, etc. 196

Board of health, abatement of nuisances by; other duties..... 188

Bonds; provisions for the issue and sale of 63-67

Council—
Election and term of members 195
Powers of; regular and special meetings 88

Gas and electric companies, contracts with, for supply of light and heat 150

Gas, electricty and water, council may fix price of; may require meters to be furnished free of charge 170

Grade crossings, apportionment of cost between city and railroad company; claims for damages; street railway companies..... 191-193

Hospital; council authorized to levy tax to compensate private company for maintaining 123

Interurban railway companies, council authorized to grant franchise for purpose of securing terminals in municipalities..... 253

Intoxicating liquors, prohibition of sale of in residence districts. 68-75

Officers, election and term 172

Patented articles,etc.; plans and specifications for public improvement shall not require exclusive use of 204

Refuse, street scrapings and ashes, sale of; disposition of proceeds 43

Registration of voters; council may provide for 270

Sale or lease of real estate; procedure; site for railroad station.. 165

Sidewalks, construction and repair of at expense of owner, when authorized 301

Sprinkling of railway tracks, council may require 5

Streets—(See Assessments herein.)
Opening, extending, straightening, widening, etc.; ordinance for purpose 143
Treatment with oil for the purpose of laying dust, etc. 50-52
Vacation of; change of name, etc. 202

Treasurer and his sureties, provisions for the release and discharge of, in certain cases 120-122

Villages—
Board of trustees of public affairs; election, term, etc.; appointment; organization; powers and duties 252
Newly created; apportionment of funds between village and and township 129

MUNICIPAL CORPORATIONS—Concluded. Page.
Villages—Continued.
Police justice, appointment, powers and duties 159
Waterworks and electric light plants, council may levy tax for support of 46
Water companies, contracts with, for supply of water..... 150
MUNICIPAL OFFICERS—(See Municipal Corporations.)
MUSEUM OF ART—(See Municipal Corporations.)
NATIONAL ROAD—(See Public Ways.)
NOMINATION—(See Elections.)
NUISANCES—(See Board of Health.)
OIL—(See Petroleum.)
OIL INSPECTOR—
Appointment; deputies; compensation; duties, etc. 359-362
OHIO CANAL COMMISSION—(See Canal Commission.)
OHIO DAIRYMEN'S ASSOCIATION—
Appropriation 185
OHIO HOSPITAL FOR EPILEPTICS—
Appropriations 41, 111, 140, 184, 384
Salaries of officers and employes 368
OHIO NATIONAL GUARD—
Appropriations 102, 130-134, 190, 370
OHIO PENITENTIARY—
Act to prohibit the competition of prison labor with free labor and to provide for the employment of prisoners in jail and at the prisons upon the manufacture of road building material. 177-181
Appropriations 40, 108, 381, 386
Salaries of officers and employes 367
OHIO STATE ARCHAEOLOGICAL AND HISTORICAL SOCIETY—
Appropriations 35, 103, 371
OHIO STATE LIBRARY—
Appropriations 38, 106, 377
Commissioners shall give advice as to organization and maintenance of public libraries; appointment of library organizer.. 194
Salary of librarian and assistant librarian 366
OHIO STATE REFORMATORY—
Act to prohibit the competition of prison labor with free labor and to provide for the employment of prisoners in jail and at the prisons upon the manufacture of road building material.. 177-181
Appropriations 21, 40, 108, 140, 184, 381
Salaries of officers and employes 367
OHIO STATE SANATORIUM—
Appropriations 109, 383
OHIO STATE UNIVERSITY—
Appropriations 112, 184, 211, 385
Rate of state tax levy for 311
OHIO UNIVERSITY—
Appropriations 7, 112, 210, 385
Rate of state tax levy for 310
OHIO VICKSBURG BATTLEFIELD COMMISSION—
Appropriation 145
OSTEOPATHY—
Examination for admission to practice of; who may practice without examination, etc. 85
PARENTS—
Abandonment of, by children; penalty 98

PARKS—(See State Parks; Township Parks.) Page.
PENITENTIARY—(See Ohio Penitentiary.)
PENSION—(See School Teacher's Pension.)
PERSONAL PROPERTY—
Chattel mortgages and conditional sales, where to be filed..... 114
PETROLEUM—
Inspection and testing of 359-362
PHARMACIST—(See Pharmacy.)
Local option laws, violation of; penalty 16
PHARMACY—
Act relative to the practice of 207-210
PHYSICIANS—
Local option laws, violation of; penalty..... 17
Prescription for intoxicating liquor, form of 17
PHYSICIANS AND SURGEONS—
Requirements for the practice of medicine, surgery or midwifery.. 81-86
POLICE—
Stolen or other property recovered by, disposition of..... 60
POLICE COURT—(See Police Justice.)
Election and term of judge and clerk 172
POLICE JUSTICE—
Appointment, powers and duties of 159
POLLS—(See Elections.)
PRISON LABOR—(See Ohio Penitentiary.)
PROBATE COURT—
Boards of county visitors, appointment of members of, by 28
Concurrent jurisdiction with court of common pleas in misdemeanors and proceedings to prevent crime 49
PROBATE JUDGE—
Election and term; extension of term 271, 272
Fees for services in connection with ditch work; disposition of same 296, 297
Salary of 94
PROSECUTING ATTORNEY—
Election and term; extension of term 271-273
Exceptions to decision of court, proceedings upon; when state may prosecute error 33
General duties; legal adviser of county and township officers.... 160
Grand jury, shall have access to 26
Salary and expenses of 161
PROSECUTION AND TRANSPORTATION OF CONVICTS—
Appropriations 21, 38, 105, 376
PUBLIC BUILDINGS—
Advertisement for bids; posting notice for bids; private contract. 19
Plans, estimates, specifications, etc., commissioners to procure before entering into contract 21
PUBLIC WAYS—(See Road Supervisor; State Highway Department.)
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342
National road placed under the care and control of county commissioners; exception 156

PUBLIC WAYS—Concluded. Page.
Road districts—
Improvement of roads therein; road commissioners, powers and duties, etc.; issue and sale of bonds..... 292-294
Township roads—
Specifications as to improvement; bridges and culverts; improvement by joint action of county commissioners and township trustees 155
Submission to vote of question of no further levy for road improvements under 92 O. L., 63-68 284
Turnpikes; provisions for construction of, upon petition of landowners 23-26
RAILROAD COMMISSION—
Act to regulate railroads and other common carriers, create a board of railroad commissioners, prevent the imposition of unreasonable rates, prevent unjust discriminations and insure an adequate railway service 342-359
Appropriations 374
RAILROAD COMPANIES—(See Interurban and Street Railway Companies; Railroads and Railways Companies.).
RAILROAD FARE—(See Railroads and Railway Companies.)
RAILROADS AND RAILWAY COMPANIES—(See Railroad Commission.)
Automatic couplers, sill steps, grab irons, drawbars, and power brakes, equipment of rolling stock of, with; penalty for failure to comply 75-77
Dow tax, application of to companies operating buffet cars..... 100
Grade crossings; apportionment of cost between city and railway companies; mode and time of payment of their share of cost. 191-193
Passenger fare, rate prescribed 4
Self-cleaning ash dump pans, locomotives must be equipped with; penalty 46
REGISTRARS—(See Elections.)
REGISTRATION—(See Elections.)
RELIGIOUS OR BENEVOLENT SOCIETIES—
Cemetery property, transfer of, to cemetery associations; procedure 10
REMOVAL OF DRIFT—
County commissioners authorized to cause removal of material obstructing water courses or endangering highways..... 23
REPORTER OF SUPREME COURT—
Appropriations 40, 378
Salary of 366
REVISED STATUTES—
Section 40 amended 8, 287
Section 53 amended 268
Section (218-2) amended 304
Section (218-318) Sec. 4 amended 362
Section (218-321) Sec. 7 amended 363
Section (218-322) Sec. 8 amended 363
Section 245 repealed 358
Section 246 repealed 358
Section 249 repealed 358
Section 268 amended 265

REVISED STATUTES—Continued.

	Page.
Section 269 amended	265
Section 321 amended	198
Section 323 amended	199
Section 348 amended	194
Section 354 amended	272
Section 395 amended	359
Section 396 amended	360
Section 409*aa* enacted	54
Section 409*bb* enacted	54
Section 409*cc* enacted	55
Section 409*dd* enacted	55
Section (409-15) repealed	55
Section (409-16) repealed	55
Section (409-17) repealed	55
Section (409-18) repealed	55
Section (409-19) repealed	55
Section 410 amended	269
Section 410*a* repealed	270
Section 411 amended	269
Section 414 amended	272
Section (481-43) repealed	118
Section (481-44) repealed	118
Section (481-44*a*) Sec. 1 repealed	118
Section 483 amended	48
Section 550 amended	59
Section 567 amended	171
Section 581 repealed	172
Section 633-15 amended	28
Section 633-16 amended	28
Section 633-17 amended	29
Section 656 supplemented	29
Section 658 amended	30
Section (674-12) amended	80
Section 795 amended	21
Section 798 amended	19
Section 839 amended	272
Section 840 repealed	273
Section 841 amended	272
Section 842 amended	272
Section 891*a* amended	194
Section 957 amended	273
Section 958 amended	273
Section 1013 amended	273
Section 1069 amended	6
Section (1136-1) amended	274
Section (1136-2) amended	274
Section (1136-3) amended	274
Section (1136-4) amended	275
Section (1136-5) amended	275
Section (1136-6) amended	276
Section (1136-7) amended	276
Section (1136-8) amended	277
Section (1136-9) amended	277
Section (1136-10) repealed	278
Section (1136-11) repealed	278

REVISED STATUTES—Continued. Page.

Section (1136-12) repealed 278
Section (1136-13) repealed 278
Section (1136-14) repealed 278
Section (1136-15) repealed 278
Section (1136-16) repealed 278
Section (1136-17) repealed 278
Section (1136-18) repealed 278
Section (1136-19) repealed 278
Section (1136-20) repealed 278
Section (1136-21) repealed 278
Section (1136-22) repealed 278
Section (1136-23) repealed 278
Section (1136-24) repealed 278
Section (1136-25) repealed 278
Section (1136-26) repealed 278
Section (1136-27) repealed 278
Section (1136-28) repealed 278
Section (1136-29) repealed 278
Section (1136-30) repealed 278
Section (1136-31) repealed 278
Section (1136-32) repealed 278
Section (1136-33) repealed 278
Section (1136-34) repealed 278
Section (1136-35) repealed 278
Section (1136-36) repealed 278
Section (1136-37) repealed 278
Section (1136-38) repealed 278
Section (1136-39) repealed 278
Section (1136-40) repealed 278
Section (1136-41) repealed 278
Section (1136-42) repealed 278
Section (1136-43) repealed 278
Section (1136-44) repealed 278
Section (1136-45) repealed 278
Section (1136-46) repealed 278
Section (1136-47) repealed 278
Section (1136-48) repealed 278
Section (1136-49) repealed 278
Section (1136-50) repealed 278
Section (1136-51) repealed 278
Section (1136-52) repealed 278
Section (1136-53) repealed 278
Section (1136-54) repealed 278
Section (1136-55) repealed 278
Section (1136-56) repealed 278
Section (1136-57) repealed 278
Section (1136-58) repealed 278
Section (1136-59) repealed 278
Section (1136-60) repealed 278
Section (1136-61) repealed 278
Section (1136-62) repealed 278
Section (1136-63) repealed 278
Section (1136-64) repealed 278
Section (1136-65) repealed 278
Section (1136-66) repealed 278

REVISED STATUTES—Continued. Page.

Section (1136-67) repealed 278
Section (1136-68) repealed 278
Section (1136-69) repealed 278
Section (1136-70) repealed 278
Section (1136-71) repealed 278
Section (1136-72) repealed 278
Section (1136-73) repealed 278
Section (1136-74) repealed 278
Section (1136-75) repealed 278
Section (1136-76) repealed 278
Section (1136-77) repealed 278
Section (1136-78) repealed 278
Section (1136-79) repealed 278
Section (1136-80) repealed 278
Section (1136-81) repealed 278
Section (1136-82) repealed 278
Section (1136-83) repealed 278
Section (1136-84) repealed 278
Section 1137 amended 273
Section 1163 amended 245, 273
Section 1166 amended 245
Section 1167 amended 246
Section 1178 amended 246
Section 1181 amended 246
Section 1183 amended 247, 296
Section 1235 amended 255
Section 1240 amended 273
Section 1267 amended 273
Section 1273 amended 160
Section 1274 amended 160
Section 1282*a* repealed 161
Section 1282*b* repealed 161
Section 1282*c* repealed 161
Section (1282*a*-1) Sec. 2 repealed 162
Section (1282*a*-2) Sec. 3 repealed 162
Section 1284 amended and supplemented 365-368
Section 1297 amended 161
Section 1298 amended 161
Section 1442 amended 171
Section 1445 amended 171
Section 1448 amended 172
Section 1448*a* amended and supplemented 331, 332
Section 1451 amended 172
Section 1452 amended 172
Section 1456 repealed 341
Section 1457 amended 332
Section 1458 amended 333
Section 1460 amended 333
Section 1465 amended 251
Section 1513 amended 185-187
Section 1515 repealed 341
Section 1565 supplemented 129
Section 1703 amended 328
Section 1831 re-enacted 159

REVISED STATUTES—Continued.

	Page.
Section 2122 amended	188
Section 2478 amended	170
Section 2491 amended	150
Section 2652 amended	202
Section 2660 amended	328
Section (2664-4) Sec. 4 amended	328
Section (2664-5) Sec. 5 amended	328
Section (2664-6) Sec. 6 amended	329
Section (2664-7) Sec. 7 amended	329
Section (2664-8) Sec. 8 amended	329
Section (2664-9) Sec. 9 amended	329
Section (2664-10) Sec. 10 amended	330
Section (2664-12) Sec. 12 amended	330
Section (2664-13) Sec. 13 amended	330
Section 2679 amended	18
Section 2745*c* amended	242
Section (2827-1) amended	340
Section 2829 repealed	341
Section 2830 amended	333
Section 2833 amended	87
Section 2835 amended	63
Section 2835*b* amended	66
Section 2836 amended	66
Section 2837 amended	67
Section 2847 amended	285
Section 2923 amended	234
Section 2926*a* amended	212
Section 2926*h* amended	212-215
Section 2926*o* amended	31
Section 2926*w* amended	223-225
Section (2966-3) Sec. 3 amended	288-291
Section (2966-19) Sec. 6*a* amended	176
Section (2966-28) Sec. 15 amended	234
Section (2966-37) Sec. 22 amended	225
Section (2966-51) Sec. 35 amended	167, 227
Section (3107-44*j*) Sec. 10 amended	125
Section 3244 amended	294
Section 3256 supplemented	229-231
Section 3267 amended	295
Section (3337-17*c*) Sec. 3 amended	191
Section (3337-17*h*) Sec. 8 amended	192
Section (3365-23) Sec. 1 repealed	77
Section 3374 amended	4
Section (3443-3) Sec. 1 amended	5
Section (3445-15) Sec. 15 supplemented	151
Section 3550*a* amended	150
Section 3551 amended	150
Section (3713-3) Sec. 3 amended	307
Section 3718 amended	44
Section 3773 supplemented	10
Section 3821*ggg* amended	153
Section (3836-3) Sec. 3 amended	173-175
Section 3897*d* amended	157
Section 3897*e* amended	158

REVISED STATUTES—Continued. Page.

Section 3897*k* amended 158
Section 3897*l* amended 158
Section 3888 amended 217
Section 3889 amended 217
Section 3934 amended 267
Section 3951 amended 256
Section 3951*a* repealed 312
Section 3951*b* repealed 312
Section 3958 amended 9
Section 3958 supplemented 248
Section 3959 amended 127
Section 3960 amended 249
Section (3970-2) Sec. 2 amended 45
Section (3970-4) Sec. 4 amended 45
Section (3970-10) Sec. 1 supplemented 116
Section (3998-1) Sec. 1 amended 244
Section 4071*a* amended 228
Section (4094-3) Sec. 3 repealed 312
Section (4094-4) Sec. 4 repealed 312
Section (4094-5) Sec. 5 repealed 312
Section (4094-6) Sec. 6 repealed 312
Section 4104 amended 128
Section (4105-69) Sec. 3 amended 206
Section 4151 amended 114
Section 4152 amended 114
Section 4153 amended 114
Section (4155-2) Sec. 1 amended 115
Section (4200-5) Sec. 2 amended 263
Section (4200-6) Sec. 3 amended 263
Section (4200-63) Sec. 2 amended 201
Section 4203 amended 333
Section 4207 amended 334
Section 4208 amended 334
Section 4243*b* amended 149
Section 4252 amended 335
Section 4255 amended 335
Section (4364-9) Sec. 1 amended 100
Section (4364-9) Sec. 2 amended 100
Section (4364-11) Sec. 3 amended 100
Section (4364-13) Sec. 5 amended 100
Section 4403*c* amended 81-84
Section 4403*f* amended 84-86
Section 4407 amended 207
Section 4408 amended 208
Section 4409 amended 208
Section 4411 amended 209
Section (4427-6) Sec. 6 supplemented 313
Section 4496 repealed 283
Section 4497 repealed 283
Section 4497*a* repealed 283
Section 4498 repealed 283
Section 4506 amended 296
Section 4553 repealed 283

REVISED STATUTES—Continued. Page.

Section 4554 repealed 283
Section 4555 repealed 283
Section 4556 repealed 283
Section 4562 amended 22
Section (4584-1) Sec. 1 repealed 283
Section (4584-2) Sec. 2 repealed 283
Section (4584-3) Sec. 3 repealed 283
Section (4584-4) Sec. 4 repealed 283
Section (4584-5) Sec. 5 repealed 283
Section (4584-6) Sec. 6 repealed 283
Section (4584-7) Sec. 7 repealed 283
Section (4584-8) Sec. 8 repealed 283
Section (4584-9) Sec. 9 repealed 283
Section (4584-10) Sec. 10 repealed 283
Section (4584-11) Sec. 11 repealed 283
Section (4584-12) Sec. 12 repealed 283
Section (4584-13) Sec. 13 repealed 283
Section 4664 amended 297
Section 4678 amended 335
Section 4686-13 amended 155
Section (4686-33) Sec. 4 amended 341
Section 4715 amended 335
Section 4715*a* amended 336
Section 4716 amended 336
Section 4729 amended 336
Section 4730 amended 336
Section 4731 amended 337
Section 4733 amended 338
Section 4735 amended 338
Section 4738 amended 338
Section 4739 repealed 341
Section 4740 amended 339
Section 4741 repealed 341
Section 4742 repealed 341
Section 4743 amended 339
Section 4746 amended 339
Section 4747 amended 339
Section 4755 repealed 341
Section 4756 repealed 341
Section 4757 repealed 341
Section (4757-6) Sec. 6 amended 292
Section (4757-7) Sec. 7 amended 292
Section (4757-13) Sec. 13 amended 293
Section (4757-16) Sec. 16 amended 293
Section (4757-20) Sec. 20 amended 293
Section 4760 amended 23
Section 4760 supplemented 24
Section 4767 amended 25
Section 4931 amended 156
Section (5690-1) Sec. 1 amended 142
Section 6454 amended 49
Section (6819-1) amended 124
Section (6819-1) supplemented 124
Section 6835 amended 3

REVISED STATUTES—Concluded. Page.
Section 6858 supplemented 60
Section 6923 amended 339
Section 6945 supplemented 61
Section 6968-2 amended 257-259
Section 6968-3 amended 216
Section 6968-5 repealed 258
Section 6968-6 repealed 258
Section (7017-3) Sec. 1 amended 98
Section (7027-1) Sec. 1 amended 303
Section (7027-2) Sec. 2 amended 303
Section (7027-3) Sec. 3 amended 303
Section 7045 amended 226
Section 7049 amended 226
Section 7050 amended 226
Section 7055 amended 226
Section 7066 repealed 167
Section 7066 amended 227
Section 7195 amended 26
Section 7305 amended 33
Section 7306 amended 33
Section 7306*a* repealed 34
Section 7308 supplemented (see section 7367) 33
Section 7367 supplemented (see section 7308) 33
Section (7388-5) Sec. 4 repealed 181
ROAD—(See Public Ways.)
ROAD COMMISSIONERS—(See County Commissioners.)
Term of office, oath, bond, etc.; powers and duties; issue and sale of bonds 292-294
ROAD DISTRICTS—
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342
Improvement of roads therein, road commissioners, powers and duties of, etc.; issue and sale of bonds 292-294
ROAD LABOR—
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342
ROAD SUPERVISORS—
Office of, abolished 327-342
ROAD TAX—
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342
ROLLER SKATING RINK—
Mayor's permit to operate; sale of intoxicating liquors in, forbidden; penalty 61
SALARIES OF STATE OFFICERS AND STATE EMPLOYES—(See Various Officers.)
SALARY—(See Various Officers.)

Page.

SCHOOL DISTRICTS—
Classification of; village school districts, etc. 217
Special—
Conveyance of pupils to schoolhouse, board of education may provide for 267
Levy of taxes in 248
Weak, state aid for payment of teacher's salaries 200

SCHOOL DISTRICT TREASURERS—
Provisions for release and discharge of treasurer and sureties in certain cases 120-122

SCHOOL FUNDS—
Maximum levy; when greater tax may be levied 127
Sinking fund, investment of 45
Sinking fund, commissioners of; reports to boards of education; taxes, appropriation of, for payment of bonds and interest; purchase of bonds of board of education 45
Special school districts, levy of taxes in 248
Taxation; fixing of rate of, after state funds are exhausted..... 9

SCHOOL LIBRARIES—
Board of education may establish; maintenance and control of; board of library trustees, appointment of, etc; taxation.... 244

SCHOOLS—
Conveyance of pupils to schoolhouse; board of education of special districts may provide for 267
Day schools for deaf, establishment of, authorized; expenses, how defrayed; appointment and qualifications of teachers; inspection of schools 219

SCHOOLS SPECIALLY ENDOWED—
Powers and duties of trustees; may contract with board of education to receive pupils of district in which same are located.. 206

SCHOOL TEACHERS—
Salaries of, not to be less than forty dollars per month; state aid for weak school districts 200

SCHOOL TEACHERS' PENSION—
Amendment of act relative to 157-159

"SEARCH AND SEIZURE ACT"—
Act 12-18

SEARCH WARRANT—(See Intoxicating Liquors.)

SECRETARY OF STATE—(See Department of State.)
Chief clerk, salary of 366
Salary of 365

SHERIFF—
Allowance for keeping prisoners and lunatics in jail 255
Election and term; extension of term 271, 272
Fees for services in connection with ditch work, disposition of same 297
Salary and compensation of 95, 96

SHERMAN, WM. A.—
Appropriation 203

SHIP CANAL COMPANIES—(See Corporations.)

SOCIETIES TO PREVENT CRUELTY TO ANIMALS AND CHILDREN —(See Humane Societies.)

SOLDIERS' AND SAILORS' HOME— Page.
Appropriations 41, 111, 184, 384
Insane persons ineligible; transfer of, to asylum; expenses of inquest, etc. 80
Salaries of officers and employes 367
SOLDIERS' AND SAILORS' ORPHANS' HOME—
Appropriations 41, 111, 140, 384
Salaries of officers and employes 367
STATE BOARD OF AGRICULTURE—
Appropriations 35, 103, 139, 183, 371
Farmers' institute societies; provisions for payment of expenses of 307
STATE BOARD OF APPRAISERS AND ASSESSORS—
Appropriations 36, 104, 372
STATE BOARD OF ARBITRATION—
Appropriations 36, 104, 372
STATE BOARD OF HEALTH—
Annual conferences of health officers, may make provisions for.... 205
Appropriations 11, 36, 104, 372
Secretary, salary of 366
Water and sewage purification works, directed to investigate efficiency, etc., of; report 11
STATE BOARD OF MEDICAL REGISTRATION AND EXAMINATION—
Act relative to the requirements for the practice of medicine and surgery 81-86
Appropriation 41
STATE BOARD OF PHARMACY—
Appropriation 41
STATE COMMON SCHOOL FUND—
Rate of taxation for 256
STATE FIRE MARSHAL—
Appropriation 41
STATE FORESTRY BUREAU—(See Forestry Bureau.)
STATE HIGHWAY DEPARTMENT—
Application of county commissioners for assistance of state; state highways defined 279
Appropriations 21, 35, 107, 379
Object and purpose of; improvements of county roads..... 232
Salary of commissioner 366
STATE HOUSE AND GROUNDS—
Appropriations 34, 102, 134, 369
STATE INSPECTOR OF OILS—(See Oil Inspector.)
STATE LIBRARY—(See Ohio State Library.)
STATE PARKS—
Fund for maintaining same; license fees for privilege of maintaining and operating boats on state reservoirs; metal plates to be affixed to all boats; penalty 362-364
STATE PRINTING—(See Supervisor of Public Printing.)
STATE RIFLE RANGE AND CAMP GROUNDS—
Adjutant general authorized to purchase and improve lands; appropriation 243
STATE SCHOOL FOR THE BLIND—
Appropriation 41, 110, 383
Salaries of officers and employes 366

STREET COMMISSIONERS— Page.
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money" 327-342
STREET RAILWAY COMPANIES—(See Interurban and Street Railway Companies.)
STOCKHOLDER—(See Corporations.)
STOLEN PROPERTY—
Disposition of stolen or other property recovered by police 60
STRODE, CAROLINE—
Governor authorized to execute deed for certain lands to 125
SULTANA MONUMENT—
Commission for erection of; appropriation 308
SUPERINTENDENT OF INSURANCE—
Actuary, salary of 365
Appropriations 39, 106, 377
Attendance of witnesses, may enforce 266
Deputy; appointment, etc.; powers and duties; compensation 265, 365
Duty to enforce insurance laws and investigate violation of same; appointment of deputies and clerks, etc. 265
Inspection of foreign insurance companies charged with violation of law; admission of foreign companies to do business in state. 242
Salary of 365
SUPERIOR COURT OF CINCINNATI—
Election and term of office of judges 48
Salary of judges 365
SUPERVISOR OF PUBLIC PRINTING—
Appropriations 21, 39, 106, 378
Salary of 366
State printing, award of contract; printing and distribution of journals of general assembly 198-200
SUPREME COURT AND LAW LIBRARY—
Appropriation 39, 106, 378
Salary of librarian and assistant librarian 366
SUPREME COURT—
Judges; number, election and term, extension of term of office of judges in office July 1, 1906 269
Organization into two divisions; chief justices 269
Regular and special terms of 269
Salary of judges 365
TAXATION—
Board of education shall fix rate of, after state funds are exhausted 9
Direct inheritance tax; act repealed 229
Dog tax, provisions for the better collection of; distribution of tax; assessors' duty 87
Intoxicating liquors, tax on the sale of 99-101
Miami university, levy of taxes for 310, 311
Ohio university, levy of taxes for 310
Ohio state university, levy of taxes for 311
Payment of taxes on lands; agents and attorneys; payment by person other than owner; record of authority to pay 285
School funds; maximum levy; when greater tax may be levied 127
State common school fund; rate of taxation for 256

TAX LEVY—(See Taxation.) Page.
TEACHERS' EXAMINATIONS—
County; uniform system of examination; penalty for publishing or giving information about questions or unlawful possession of same 228
TERM OF OFFICE—(See Various Officers.)
TITLE GUARANTEE AND TRUST COMPANIES—(See Corporations.)
TOLEDO STATE HOSPITAL—
Appropriations 41, 109, 383
Salaries of officers and employes 368
TOWNSHIP BONDS—
Provisions for the issue and sale of 63-67
TOWNSHIP CEMETERIES—
Question of cemetery or no cemetery to be submitted to vote; tax levy 251
TOWNSHIP DEPOSITORY—
Provisions for the deposit of township funds upon competitive bidding 185-187
TOWNSHIP DITCH SUPERVISOR—
Election, term and vacancies; duties and compensation 280-284
TOWNSHIP FUNDS—(See Township Depository.)
Apportionment of, between township and newly created village.. 129
TOWNSHIP LIBRARIES—(See Libraries.)
TOWNSHIP OFFICERS—
Election and term; notice of election; vacancies, how filled.... 171-173
TOWNSHIP PARK—
Board of township park commissioners; powers and duties..... 144
TOWNSHIP ROADS—(See Public Ways.)
TOWNSHIP TREASURER—
Provisions for release and discharge of treasurer and sureties in certain cases 120-122
TOWNSHIP TRUSTEES—(See Public Ways; Township Depository.)
Act "relating to street commissioners and road supervisors in hamlets, municipal corporations and townships and providing for the abolition of the office of road supervisor, and the payment of road taxes in money"..... 327-342
Library association or company; trustees authorized to levy tax to compensate for maintaining free public library..... 47
TREASURER OF STATE—
Appropriations 40, 106, 184, 379
Cashier, salary of 366
Salary of 365
TRUSTS—
Prosecutions of; witness not to be excused from testifying, etc., on ground that evidence may tend to incriminate 313
TURNPIKES—(See Public Ways.)
UNITED STATES COURT—(See Judgments of United States Court.)
VENUE—(See Change of Venue.)
VILLAGES—(See Municipal Corporations.)
Sidewalks, curbing and gutters, construction and repair of at expense of owner, when authorized 301
Waterworks and electric light plants, council may levy tax for support of 46
WATER—(See Gas, Electricity and Water.)
WATER COMPANIES—(See Corporations.)

Page.
WATER METERS—(See Meters.)
WATERWORKS—
Village, council may levy tax for support of 46
WEBB, D. L.—
Appropriation 203
WILBERFORCE UNIVERSITY—
Appropriations 7, 113, 211, 386
WITNESS—(See General Assembly; Trusts.)
Fees for services in connection with ditch work 297
WORTSMITH, MRS. KATHERINE—
Appropriation 141
YOUNGSTOWN—(See Index to Local Laws.)

Index to Local Laws.

	Page.
CUYAHOGA COUNTY—	
Court of insolvency, election and term of judge, vacancies.....	389
HAMILTON COUNTY—	
Commissioners authorized to pay money to estates of George Zimmerman and Russell Blair	390
Court of insolvency, election and term of judge, vacancies.....	388
LICKING COUNTY—	
Agricultural society authorized to sell portion of its lands.....	393
Soldiers' memorial building, original act supplemented.....	391
MADISON COUNTY—	
Board of education of Stokes township authorized to pay money to Goldie Crabbe	392
MAHONING COUNTY—	
Youngstown police court, extension of term of judge; election of successor	390
MONTGOMERY COUNTY—	
Repeal of act authorizing trustees of Clay township to place "Parish cemetery" under control of board of trustees.....	388

Index to Joint Resolutions.

Page.

ADJOURNMENT—
General assembly 396, 397, 404, 418
AMENDMENT—(See Constitution.)
COLARECCHIO ALLESANDRO—
Relative to his admission to Massillon state hospital 407
COLUMBUS, CITY OF—
Public comfort station on state capitol grounds, authorized to construct 415
COMFORT STATION—
On state capitol grounds, city of Columbus authorized to construct 415
CONGRESS—
Endorsement of bill relative to national aid for public highways.. 398
Endorsement of bill relative to railroad rates 407
Memorialized to pass bill providing pension for soldiers confined in Confederate prisons during civil war..... 409
Ohio representatives in, requested to favor passage of law relative to pension for citizen teamsters in civil war 420
Requested to amend certain bill so as to except Vicksburg national military park from its operation 408
Requested to investigate official conduct of E. G. Rathbone..... 420
CONSTITUTION—
Relative to the amendment of—
Article II 412
Article II 413
GENERAL ASSEMBLY—
Adjournment 396, 397, 404, 418
House bills, additional copies of 397, 402, 403, 404, 410
Joint committee—
McKinley, William, relative to birthday anniversary of..... 405
Public printing, on 403
Rules, joint, to prepare and report 396
To arrange for inauguration of governor 395
To notify governor that general assembly is in session 395
To revise and codify insurance laws 417
Joint rules to govern 399-402
Joint session—
Governor Cameron invited to address 397
To canvass results of election 396
Journals, publishing of, daily, committee to investigate advisability of 403
Salaries of members, relative to payment of 416
Senate bills, additional copies of 404, 406, 410
Senate joint resolutions, additional copies of 406
GOVERNOR—
Commission relative to Ohio penitentiary, authorized to appoint.. 418
Jamestown exposition commission, authorized to appoint 411
Joint committee—
To arrange for inauguration of 395
To notify that general assembly is in session 395
Resolution of sympathy 422

	Page.
GOVERNOR CAMERON—	
Invited to address joint session of general assembly	397
GOVERNOR PATTISON—	
Resolution of sympathy	422
HOSPITAL FOR FEEBLE-MINDED YOUTH—(See Institution for Feeble-Minded Youth.)	
HOWE'S HISTORICAL COLLECTIONS OF OHIO—	
Distribution of	405
Printing and distribution of	411
INSTITUTION FOR FEEBLE-MINDED YOUTH—	
Mathews, Hannah, relative to her admission to	414
INSURANCE LAWS—	
Joint committee to revise and codify	417
JAMESTOWN EXPOSITION—	
Appointment of commission, powers and duties, etc.	411
JOINT RULES—	
Committee to prepare and report	396
To govern 77th general assembly	399-402
JOURNALS—	
Committee to investigate advisability of publishing daily journals	403
LAW LIBRARY—	
Catalogue of, printing and distribution of	421
LIMA STATE HOSPITAL—	
Relative to purchase of land for	422
LOVEJOY, CATHERINE—	
Relative to her admission to Toledo state hospital	410
MASSILLON STATE HOSPITAL—	
Colarecchio, Allesandro, relative to his admission to	407
MATHEWS, HANNAH—	
Relative to her admission to the hospital for feeble-minded youth	414
McKINLEY, WILLIAM—	
Joint committee relative to birthday anniversary of	405
NIAGARA FALLS—	
President memorialized to negotiate treaty to preserve	409
OHIO CO-OPERATIVE TOPOGRAPHICAL SURVEY—	
Printing and distribution of report of inspector of	415
OHIO PENITENTIARY—	
Appointment of commission relative to	418
PENSION—	
Citizen teamsters in civil war, congress requested to pass a law relative to pensioning	420
Soldiers confined in Confederate prisons during civil war, congress memorialized to pass bill relative to	409
PRESIDENT ROOSEVELT—	
Memorialized to negotiate treaty for preservation of Niagara Falls	409
PRINTING—	
Bills and joint resolutions, number to be printed	416
House bills, additional copies of	397, 402, 403, 404, 410
Howe's Historical Collections of Ohio—	
Distribution of	405
Printing and distribution of	411
Journals, committee to investigate advisability of daily publication	406
Law library catalogue	421
Public, joint committee on	403
Report of inspector of Ohio co-operative topographical survey	415

PRINTING—Concluded. Page.
Senate bills, additional copies of 404, 406, 410
Senate joint resolutions, additional copies of 406
RAILROAD RATES—
Congress memorialized to vote for bill to regulate..... 407
RATHBONE, E. G.—
Official conduct of, congress requested to investigate 420
RULES—(See Joint Rules.)
SALEM CENTENNIAL CELEBRATION—
Loan of certain gun to, authorized 413
SENATORS—(See United States Senators.)
UNITED STATES SENATORS—
Election of, by direct vote of people recommended 406
TOLEDO STATE HOSPITAL—
Lovejoy, Catharine, relative to her admission to 410
VICKSBURG NATIONAL MILITARY PARK—
Congress requested to amend bill so as to except commission from operation of act 408

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